HOUSE OF REPRESENTATIVES—*Thursday, October 11, 1990*

The House met at 10 a.m.

The Reverend Barry Chinn, pastor, First Baptist Church, Villa Rica, GA, offered the following prayer:

Eternal Father, we pray that above the noise of both boisterous and smooth, seductive voices demanding our representatives' ear and vote, that they may hear that still, small voice that calls each of us to know Thy transcendent peace. For if they and other world leaders know not peace, how can they lead this hurting, searching orb to experience that which is unknown to them?

Lift the fallen heart here today, touched by personal crises or tragedy, burdened by national or international problems.

Give courage to the timid, strength to the weak, hope to the despairing, this we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentlewoman from Nebraska [Mrs. SMITH] if she would kindly come forward and lead the membership in the Pledge of Allegiance.

Mrs. SMITH of Nebraska led the pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H.R. 4279. An act to amend title 31, United States Code, to improve cash management of funds transferred between the Federal Government and the States, and for other purposes; and

H.J. Res. 602. Joint resolution designating October 1990 as "National Domestic Violence Awareness Month."

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 1396) "An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement" and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3037. An act to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses, to amend chapter 53 of title 31, United States Code, to require the Secretary of the Treasury to issue regulations concerning the identification of nonbank financial institutions subject to the Bank Secrecy Act, to prohibit illegal money transmitting businesses, to provide for the standardization of advertised yields on savings accounts and investments, to require the uniform disclosure of the key costs of such accounts and investments, and for other purposes.

WELCOME TO THE REVEREND BARRY CHINN

Mr. GINGRICH. Mr. Speaker, it is a great honor to introduce to the House the Reverend Barry Chinn from Villa Rica, GA.

Reverend Chinn was born in San Antonio, TX. He is a graduate of Lakenheath High School, Brandon, Suffolk County, England. He has a bachelor of arts degree from Southwest Texas State University and a master of divinity from Southwestern Baptist Theological Seminary.

He has had experience as the pastor of the First Baptist Church in Villa Rica, GA.

His wife, Winnell, is with him here today.

It is a real honor for us in Georgia to introduce him to the House. I want to thank him for taking the time to come and be with us today.

LET US DO THIS JOB TOGETHER

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, it would be refreshing if in the coming days while we write the bill that actually reduces the Federal deficit, we were able to select from the stockpile of ideas from both political parties, the best from each rather than the worst from both.

The Republicans say we spend too much, there is too much waste. Well they are right. Let us cut the waste. Let us reduce some spending.

We Democrats say it is time to ask the rich to pay their fair share of taxes in this country. We are right. It is time to stop soaking the middle class and its time to ask the upper income people to pay their fair share. We expect the folks on the minority side and the President to agree with that proposal.

Also, Members on both sides now are saying it is time to ask our allies to start paying their fair share of the defense bill. Uncle Sam cannot afford it anymore. Absolutely.

So let us get together. Let us do this job together as Republicans and Democrats. Let us get the President involved, ask the rich to pay their fair share, and ask the allies to pay for their share of the defense, and let us cut some spending to put Government back on track.

LET 'EM PLAY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, yesterday afternoon's officiating ran against the unwritten rule of "let 'em play."

When Roger Clemens said "read my lips" from the mound yesterday afternoon, he was tossed from the game.

Without warning. Without the understanding that Clem was caught up in the heat of the battle.

I am not saying that this was the play that caused the Red Sox to lose their series with Oakland, Mr. Speaker.

But you could just see the wind go out of their sails when "the Rocket" was thrown out of the game in the second inning. Fans had come to see a fierce pitching duel between two of the greats of baseball, Clemens and Stewart.

And they went home with their expectations dashed.

It was a sad ending for a team which has been a source of hope and inspiration to so many great fans for so long.

Umpire Terry (Loony) Cooney did not have to pay to get into the ball park yesterday afternoon, and I am sure his hasty action made fans of the game wish they had not paid admission either.

Terry (Loony) Cooney, read my lips, also.

READ MY HIPS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER "Read my hips? Read my hips?" That is the President of the United States answer to the question of whether or not he will back off his support of the rich and protecting them in this new budget deal on the Tax Code.

I am amazed. I do not know what "Read my hips" means. I guess I was not in Skull and Bones at Yale.

Does that mean "Swish, swish?" Is that a brushoff? I am totally perplexed. I know in the hula that they always say you do not read the hips, you read the hands.

Mr. Speaker, I just want to say that if the President of the United States were female, imagine what today's commentators would be saying if a female made such a comment. I really am shocked, and I think that this is such a serious issue, an issue that stopped the Government, and I think it is time for the President of the United States to stop collecting all of his money from his rich friends, come back to Washington and stop protecting all of his rich friends and start doing what is right for America.

LET US GET SOME LEADERSHIP IN THE HOUSE OF REPRESENTATIVES

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, this morning I had a telephone conversation with a friend of mine in Atlanta, GA, who had just returned from Great Britain.

His message to me, which I told him I would pass on to you, is, "Why do you guys not get your act together?" He said we are looking like a bunch of fools.

Mr. Speaker, I would tell you, and my colleagues, that as we come together and as we come down to the well one by one to make our 1-minute, hoping that whatever we say is so outrageous that it will get on the national news, let us remember one thing, the buck stops here. We pass the tax legislation, not the President. We cut the spending, not the President.

Where we may be getting leadership and encouragement from the President, let us start getting some leadership here in the House of Representatives. Let us get our job done, and let us go home to the American people and give back to this institution the dignity that it has lost in the last month.

EVERYONE MUST PAY THEIR FAIR SHARE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. "I will shut the Government down." What labor union is this? Is this organized labor once again threatening for some reason to bring the country to its knees? What kind of anarchist group is it? It is the President of the United States speaking, and he is saying he is shutting the Government down if the Congress tries to cut off the tax breaks to the rich. That is what this is all about.

It was 2 hours that rocked the world a couple of days ago when the President said he would consider taxing the rich, and then after a couple of meetings with some Republican leaders, "No, we will not do that after all."

Think about it for a second, the people making over $200,000 a year pay less of a percentage of their income in taxes than the person making $45,000 or $50,000, the middle income. That is what this fight is about. That is what the President of the United States says he will shut the Government down over.

It seems to me to be a pretty outrageous statement to bring the Government to its knees, to subject everyone to this kind of hardship in the name of saving the rich from paying their fair share of taxes. I think we know where the balance lies.

I think we know that it is time that everyone, if they are going to be asked to pay taxes, everyone pay their fair share, and that we not shut the Government down.

"WORKIN' OVER" THE WORKING PEOPLE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the Democrat budget proposal passed over the weekend calls for a substantial increase in the tax on gasoline. This tax increase whether it is 8 or 10 cents will hurt poor and middle income Americans at a time when they can ill afford more money taken out of their pockets.

The Democrats are supporting this tax increase on the poor and middle class to pay for their plans to increase spending, with no cuts in the Washington bureauracy. They have obviously chosen more government over the well-being of million of Americans.

So much for the Democratic Party being for the working people of this Nation. It seems more accurate to say that they're "workin' over" the working people.

□ 1010

AMERICA DESERVES MORE FROM THE PRESIDENT

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, every Member of this Congress has a concept of where they would take America; 535 different ideas about taxing and spending and leadership. However, in the final analysis, the Congress cannot lead America. For the Constitution itself reads, "and the President shall submit a budget." Mr. Speaker, it is time for George Bush to ask himself, why is it he sought the Presidency? What is it he would seek to achieve? For 8 years there has been in the last administration, and for 2 years in this administration, no problem so big that it cannot be ducked, no crisis so large that it cannot be avoided.

Indeed, Mr. Speaker, the President's indecision, his comments of recent days are a metaphor for all these years of indecision, avoidance, and allowing leadership to others. America deserves more.

EXPLANATION OF AMENDMENTS ON NATIONAL ENDOWMENT FOR THE ARTS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, at long last today the Congress will have a chance to vote on the National Endowment for the Arts. We will have three amendments as the Committee on Rules has set out, which will deal with this issue.

No. 1, an amendment by the gentleman from Illinois [Mr. CRANE] that will eliminate funding for the National Endowment for the Arts, which I think is a good idea. No. 2 will be an amendment offered by myself, the Rohrabacher amendment, which will set commonsense standards for the National Endowment for the Arts. No. 3, there will be a vote on the Coleman-Williams gut-the-standards substitute which is an attempt to give Congress a chance to vote for standards with one vote, and then a chance to eliminate them with the very next vote.

The American people will not be fooled by this tactic. This is what makes people cynical about democracy in America.

This chart shows that the Coleman-Williams gut-the-standards substitute will not solve, will not handle any of the outrages which have been financed by the American taxpayer over the last few years. My amendment would prohibit the waste of our tax-

payers' dollars on pornography and sacrilegious art at a time when we are trying to raise taxes on the American people, medical fees for our elderly, let Members quit wasting Government money on pornography and sacrilegious art.

TAKE A STAND, MR. PRESIDENT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, one of the earlier speakers indicated that we have a responsibility in the House and Senate, and I agree with that, We all have a responsibility in terms of the pending budget considerations. But in the end, George Bush was the one that ran for the President. It was George Bush that wanted to run the country. All George Bush has done lately is run to his rich friends in California, Cleveland, and Colorado, looking for campaign contributions.

When the chips are down, and when we have to make vital decisions in terms of the budget crisis we face, he runs away and says, "Read my hips." His spokesman say, "We want to bob and weave today. We want Congress to come up with a package." He cannot run away from this particular problem. George Bush cannot govern by simply saying no. It is time that he made a decision, took a stand, and became a leader.

REGRESSIVE TAXES IN DEMOCRATIC BUDGET

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, I am confused. What we see in this proposal, which is a proposal of a budget that was passed these last few days, was a Democratic budget, a budget that had nothing but regressive taxes in it, a tax on gas that hits the poor, hits the middle class, not the rich. Medicare, reductions in Medicare are regressive, hit the poor, hit the elderly; $2.7 billion in veterans' cuts. That hits the poor, hits the middle class.

Incredible, and that was carried by the majority of the Democrats in Congress, the Democrats are the ones that put it in, yet they attacked the President. I do not understand it. They attack the President for being late with his budget proposal. What about April 15 when Congress, the majority leader and the Speaker of the House had that obligation, and they defaulted on it? They did not move forward. Constitutionally, that was their requirement to respond to the budget of the President. That was not done.

This is a Democratic proposal. I am against taxes. I am against regressive especially. Yet that is what the Democratic budget calls for.

TAX FAIRNESS

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, last week this Congress justly voted down a budget resolution that was regressive and unfairly attacked our elderly, working families, farmers, and our poor.

We heeded the call from middle America, Mr. Speaker. They called and said, "No." Now we have a chance to add another chapter to President Kennedy's "Profiles in Courage." The characters in this chapter should be both Republican and Democrat. Mr. Speaker, we hope that our President gets in a few chapters of his own.

We need to have the courage to reduce our deficit by $40 billion this year, and $500 billion over 5 years. We need to have the courage to burst the bubble. We need to have the courage to make our tax system more progressive.

In the last 10 years, taxes on middle-income families rose by 7 percent, while taxes on America's wealthiest dropped by 3.2 percent. Now, try to explain how that can be fair.

Mr. Speaker, as we write another chapter for "Profiles in Courage," we need to make sure that we just do not write off middle America.

BUDGET NOT PROPER VEHICLE FOR OSHA PENALTIES

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, it has come to my attention that in the budget that is being passed around these days, language has been included to increase OSHA civil penalties fivefold. Maximum OSHA for nonserious violations would increase $1,000 to $5,000, and for serious violations from $10,000 to $50,000. It is the only part of the budget where penalties are increased to raise money.

More important, this increase could be a mandatory minimum floor for fines. Congress is also considering OSHA user fees for at least two programs: the Onsite Consultation Program where small contractors can call OSHA for onsite help; and the Volunteer Protection Program, in which companies apply for enrollment in the program to receive a safety certificate.

It is anticipated that Senator METZENBAUM on the other side will put his criminal penalties into the budget, too. His plan attaches these penalties to willful violation resulting in serious bodily injury. OSHA will oppose these because they do not belong here.

Mr. Speaker, If we are trying to help businesses, we should work with them, but the place to do this is not in the budget proposal. I would hope that everyone in this body will reject these when they come up, and they will let their people in business know that they are interested in balancing the budget, not simply trying to find a gimmick to hit those that want to willfully comply.

THE PRESIDENT PROTECTS WEALTHY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute.)

Mr. GLICKMAN. Mr. Speaker, given the President's flip-flop yesterday on raising income taxes on the wealthy, I want to remind him that there is an overwhelming consensus among my constituents, among most Americans, that if taxes have to be raised they ought to include taxes on the well to do.

In that connection, one of the choices facing Congress is between raising taxes on the rich, on the one hand, and maintaining the huge Medicare cuts and gas tax increases on the other. Make no mistake about it, the White House and the Senate Republicans are fighting to protect the wealthy. The people listed in the last issue of Forbes magazine, the 400 richest people in the United States, protecting them at the expense of senior citizens and middle-income families.

The basic question of this budget now is, "Whose side are you on?" The lines are clearly being drawn. The President is on the side of the Forbes 400. The Democrats are on the side of the middle class.

SIZE DOWN GOVERNMENT

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, the debate is not rich man, poor man, or rich person, poor person, the debate is coming from the American people, loud and clear. Size down Government, do not raise our taxes, and get the job down now.

While the House Committee on Ways and Means chaired a majority run by Democrats yesterday clearly said, "Raise the taxes on the middle class." That is what came out. I do not care who spends what. The bottom line is the final product that this Congress, bipartisan or not, produces and passes on to the American people.

□ 1020

The product we saw yesterday was the very product that the average tax-

payer and the voter rejected just last week. When will this Congress learn?

Well, it has not learned for the last 10 years, because the American people have spoken loudly time and time again. Size down government, cut its growth and its spending rate and do not raise our taxes, rich or poor, because you know, rich really means not me. It is the other guy. But what the American people understand is that "me" is being taxed under a package that is produced by a Democrat majority in this House.

SUPPORT THE DEMOCRATIC TAX PACKAGE

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, whether it is hips or lips, the President clearly is on the side of the wealthiest, and by that we are not talking about the average American. We are talking about the people who earn over $400,000 a year. Those are the people he is defending, and it is time for us Democrats to stand up and be counted, and we are.

Already our Democratic Ways and Means Committee has vastly improved the Summit package in the following ways: softening the blow on Medicare by $12 billion; eliminating the 2-week waiting period for unemployment payments which would ease the pain for many families. They did away with $12 billion of new tax shelters for the wealthiest and they did away with $4 billion of new tax rates for the oil companies who seem to be doing just fine lately, thank you very much.

So the system is working. The Democratic Congress has taken the summit package. It has made it better, and more than that, today they will be meeting and they will be reporting out a Democratic package. That package will ease the pain for the elderly even more than the first package and it will be a tax package which is progressive.

And I say to the President that it is time to come off, come down from campaigning for JESSE HELMS and the other people who protect the rich, and fight for all Americans.

CONCURRENT RESOLUTION FOR ANATOLY GENIS

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, in 1976, Anatoly Genis applied for a visa to leave the U.S.S.R. to join his family in the United States. The Soviets turned him down.

As a result, he lost his job and he is prevented from practicing his profession. Today, suffering deep depression and financial hardship, he is a street cleaner and metro sweeper despite his doctorate in mathematics.

His visa applications have been rejected more than 25 times since 1976. Recently, the authorities invited him to seek a visa to visit his family. He did. And again was rejected.

They say Anatoly possesses state secrets although he never worked on classified assignments. Still, they taunt him with false rumors that he will get his visa.

Mr. Speaker, I shall today introduce a concurrent resolution—along with my colleague BEN GILMAN of New York—calling upon the President and Secretary of State to personally intervene with the President and foreign minister of the U.S.S.R. to secure permission for Anatoly Genis to be reunited with his family in the U.S. without further delay.

Mr. Speaker, I urge my colleagues to support this resolution.

DENY MFN TO CHINA

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, Chairman Mao once said "Hope is pinned on the people of the United States."

Mr. Speaker, Americans are trusting people. But we are being played for fools by the Chinese Government. Last week the London Independent reported evidence that a subsidiary of North Industries Corp., based in Beijing, has sold, to Iraq, large quantities of lithium hydride, a rare chemical used in the manufacture of nuclear weapons and missile fuel. This is a direct violation of the United Nations embargo.

This week we will consider House Joint Resolution 647, a resolution to deny most favored nation status to China as well as H.R. 4939, a bill establishing conditions for renewal of MFN. To paraphrase Mao, the Chinese Government's hopes for increased economic power are pinned on the business men and women of the United States.

We cannot continue to believe that extension of MFN will induce the Chinese Government to improve its record of gross human rights violations. Allowing the Chinese to keep their MFN status in light of their breach of the U.N. embargo is like rewarding a thief for stealing the crown jewels.

Let us show the survivors of Tienanmen that their friends and relatives did not die in vain. I urge my colleagues to support House Joint Resolution 647 and the Pelosi, Miller, Porter, and Wolf amendments to H.R. 4939.

BUDGET-DEFICIT REDUCTION

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, if we are going to pass deficit reduction—and everyone agrees that we must—then whatever we do must be fair to all Americans, in order to do this, the White House must get over its obsession with protecting the tax rates for the richest Americans. And it almost did this 2 days ago.

To try again to raise the percentage that middle-income Americans pay in new taxes to twice the rate that Americans of the richest class pay, is to stand social justice on its head.

That is outrageous, that will not work, and it should not work.

I do not believe that we should try to solve the deficit by making those who have little pay more and those who have a lot, pay less.

It simply is not fair. And that type of package will not pass the House and it should not pass the House.

We need a package in which all Americans share the burden in a fair manner.

I say to the President—Let us get on board the fairness train.

AMERICA IS SCREAMING FOR THE DEMOCRATIC BUDGET

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President has gone from "read my lips" to "read my hips."

The American taxpayers are about ready to lean over and to say "Kiss our pocketbooks." They are sick and tired.

We do not need to raise taxes. I recommend 50-50 and 5; cut 50 percent of NATO giveaways, cut 50 percent of foreign aid and international assistance, and put the 5-percent tax back on the millionaires, and stay away from mom and dad's Medicare.

I will tell you what, Democrats, if you do that, Old Swivel Hips is a one termer. If he vetoes it, he will not be President in 1992. Let us send a Democratic budget to the President. America is screaming for it.

THE BUSH ADMINISTRATION AND SMALL BUSINESS

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to extend and revise his remarks.)

Mr. LIPINSKI. Mr. Speaker, when the British surrendered in Yorktown, they marched to the tune, "The World Turned Upside Down."

The following story should be played to the same music, for what the Feder-

al Government is doing to a small business in my district.

The Bush administration has decided that a small business in my district which employs 26 workers, 21 Hispanic and 5 African Americans, is guilty of discriminatory hiring practices.

No, not because there are no white employees, but because based on a quota formula, there are not enough African American employees. According to the bureaucrats there should be exactly 31.3 percent.

As a result, the Bush administration is imposing $125,000 in fines which if paid will force this business to close.

A conservative Republican administration supporting hiring quotas? Shutting down small businesses because of big Government programs?

The President should say it is not so, or has the world truly turned upside down?

SAUDI CENSORSHIP

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, last night on network television the American people witnessed the spectacle of an army censor, allegedly functioning as a public relations person, abruptly terminate an interview in which a young soldier at the front was expressing comfort in his religious faith.

No doubt that statement would have been offensive to our Saudi allies. The United States military and the Saudis should reflect that our youth are there to protect Saudi freedom and dignity against a vicious oppressor.

Our military should think better before disrupting another soldier's statement of belief.

□ 1030

Perhaps the Saudis and our military also should stop ransacking the mail of our military for prohibited Bibles, magazines, and photos from home.

Our young men and women deserve better than that.

WHERE DOES THE BUCK STOP?

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, hearing one of the previous people this morning moves me to say we have come a long way from Harry Truman. When Harry Truman said, "The buck stops here," he was referring to the White House. Now all of a sudden revisionist history says it is the Congress.

The White House says that the Democrats control Congress. Any fool can see that is not true over the last few weeks, because if they did, they would pass their own budget and it would have been law by now. They do not control Congress, because they do not have sufficient votes to override a Presidential veto.

By the way, while we are at it, cutting spending, Congress might prove to the American public it is not kidding if it cancels the big leap forward in congressional and executive salaries scheduled for the first of the year.

I do not suppose they could do anything about the judges' salaries, because the judges would probably find something in the Constitution to declare it unconstitutional for them to make any sacrifice.

Mr. Speaker, I am cutting my time.

WE DO NOT KNOW WHAT THE PRESIDENT'S STAND IS ON TAXES

(Mr. HERTEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL. Mr. Speaker, we do not know what the President's stand is on taxes. We do know where the Republicans have been for the last 10 years.

How did we get into this financial mess, this tripling of the national debt? Well, the Reagan administration doubled the defense budget and they gave tax cuts to the rich. What did the middle class get? They got an increase in taxes over the last decade.

Why should the rich pay a lower income tax rate than the middle-income people? Why? We have no answer to that, because there is no answer. It is basically unfair, patently unfair.

Why do we have today's deadlock on the budget? Because the Republicans want another tax cut for the rich, a tax cut in capital gains.

We are going to end this, we are going to restore fairness and stop the Republicans from just taking care of the rich. We are going to take care of the rest of the country and the rest of the people.

DEMOCRATIC DEMAGOGUERY

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, wow, what demagoguery we hear today. Oh, let us face it, American people, the taxocrat Democrat definition of rich is: middle class.

Look out, America. When the Democrats use this argument of rich versus poor, they are talking about the middle class. They are talking about two-income-earner families, they are talking about a senior citizen with a nest egg or some senior citizen selling their home or a small businessman that is selling his small business or a farmer who is selling a farm.

Yes, that is their definition of rich; it is the middle class who perhaps once or twice in their lives cash in on a home, a store, or a farm. And they are coming after you, middle class. They think that the American people, working until May 8—that is right, from January 1 until May 8—to pay their State, local and Federal income taxes, do not work long enough to pay taxes. They want more from you, these taxocrats.

This rich-versus-poor argument is sheer demagoguery for securing more taxes from the American middle class so that the taxocrats can take credit for giving the American people more presents—presents paid for with other people's money.

PRESIDENT BUSH: FIRST HE SAYS HE WILL, THEN HE SAYS HE WON'T

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, I am truly amazed at the President's flip-flop on whether the wealthy should pay their fair share of income taxes.

It reminds me of a popular song in the 1940's. If George Bush were singing it today, it would be: "First I say I will, then I won't; then I do, then I don't. I am undecided now; what am I going to do?"

Well, Mr. President, you were elected to know what to do.

The American people are confused. They want you to lead. Let me make a suggestion:

Drop your commitment to no new taxes for your rich friends, and take a stand for the middle class and say, "I am with you. I'm going to make this Tax Code fair for American working families."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair is constrained to remind Members that it is not proper directly to address the President from the floor.

"VETO BUSH, THE JOGFATHER"

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, I suppose most of you saw this picture on the front page. It shows a picture of Veto Bush, the Jogfather.

Mr. Bush is saying in this article here, when they asked a question, he said, "Read my hips." Now, this deficit

has become a big joke with him. I am questioning this.

What I am questioning is, Who is right? Who controls the Congress? Bush and the Republicans say, "Well, the Democrats control the Congress of the United States because they have the majority." But yet we have sent Mr. Bush 13 bills, major pieces of legislation, and he has vetoed every one of them, and we have failed to override any of them.

The President says we should do our job, and he says we should do our job if it is to his liking; and if it is not to his liking, then he is going to veto it and his little band of Republicans over here are going to dutifully support him in his veto.

So now who really controls the Congress of the United States? It is the power of the veto, make no mistake about it.

Since the President is such a hipster, he should get in tune with the majority of the people of this country and quit taxing them to death and put the blame where it ought to be.

SEX BIAS IN THE SCIENTIFIC COMMUNITY

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, once again there is another scientific study that indicates 45,000 Americans were involved in a case study that indicated drinking three or four cups of coffee a day was not serious to one's health. The problem is that this study was done on men only, 45,000 cases, and not one woman was a part of the study.

What is disconcerting to me is that in this morning's TV news never was it mentioned that men only were studied. This, then, becomes very, very dangerous because women who have cystic problems should avoid coffee and other caffeine-containing products.

Why is it, honestly, why is it the scientific community refuses to involve women in their studies so that we can get an honest appraisal for all Americans of what these studies purport?

We had an elderly study that was based on 20 years of research related to geriatrics, and never once was a woman studied in the 21,000-case study related to aspirin. Never once was a woman studied. This is outrageous.

Women and their families should really speak out against the scientific community.

PRESIDENT BUSH SHOULD DISASSOCIATE HIMSELF FROM THE REMARKS OF THE REPUBLICAN CANDIDATE IN TEXAS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, yesterday was when the President made his "Read my hips" statement, and he was campaigning in the South for JESSE HELMS and other Republican candidates.

The President has obviously decided to give less than his full concentration to the serious budget questions facing our country.

Since President Bush is serving actively as the head of the Republican Party in this country, I call on him to answer for the comments of Clayton Williams, the President's Republican candidate for Governor of Texas.

Clayton Williams said of his Democratic opponent, Ann Richards, he would "head and hoof Richards and drag her like a calf through the dirt."

Imagine that. Mr. Speaker, for the sake of the children who may be watching, I call on the President to disassociate himself or associate himself with Clayton Williams' remarks.

When I first heard the remark, I thought it was outrageous. When I heard President Bush's "Read my hips" statement, I thought it came from the same school of politics.

AMERICAN PEOPLE ARE WATCHING PRESIDENT BUSH'S TAX POLICY, NOT HIS HIPS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, White House watchers are puzzled. Just what does the President mean, "Read my hips"? Volumes will be written about his latest cute ploy in an attempt to distract the American people from the issue at hand.

No deep meaning here. It is an old tried and true bunko artist ploy aimed at middle-income families again. While families across America watch the President's hips, he has got his hand in their pockets, in their pocketbooks. Once again raising taxes on middle-income families to subsidize tax breaks for his friends, the wealthiest one-half of 1 percent of the people in America, who earn over $200,000 a year.

The President should know actions speak louder than words, lips, or even hips. The American people are not watching the President's hips, they are watching his tax policy, and they do not like what they see.

MORE THOUGHTS ON THE BUDGET AND TAXES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker and my colleagues, I do not often take the well during the 1-minute period. But I want to say a few things about the budget and taxes.

First of all, I think it is important to recognize that many of us on the Republican side of the aisle felt that the Democratic and Republican participants in the summit along with the White House summiteers brought us a package that was patently unfair to middle Americans.

□ 1040

Mr. Speaker, I use the term "middle Americans," in two senses, not just geographically. First the summiteers' budget resolution was very unfair to those parts of the Nation, in middle America, that depend heavily on agriculture and are sparsely settled. Those are areas, therefore where residents pay a lot in gasoline and diesel prices.

I am also talking about middle Americans in another sense. I am talking about the working middle class and retired middle class people.

That package was patently unfair to them, and that is one of the reasons why many of us on the Republican side of the aisle and on the Democratic side of the aisle voted against it.

I would say to my colleagues that regardless of the apparent confusion about what the White House is saying on the acceptability of eliminating "the bubble" in income tax rates in exchange for some type of cut in capital gains taxes, the ball is now back on the Democratic side of the aisle. It is before the committees you dominate. If you give us a package that is truly fair to middle income Americans, give us a package that provides some economic stimulation and truly meets the deficit reduction targets. Then you can count on a significant number of Members on the Republican side that will vote for it and will try to persuade the President not to exercise a veto.

THE PENSION TAX EQUITY ACT

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, I have just introduced the Pension Tax Equity Act, which will end a modern-day abuse within our tax system—States reaching out and taxing nonresidents on their pension incomes. This tax is called a source tax. It is taxation without representation.

Many retirees are shocked to learn that their former home States are

taxing their pensions wherever they live on the grounds that the income should be taxed where it was earned. My bill will prohibit those States from imposing income taxes on pension incomes of individuals who are no longer residents of those States.

Thousands of retirees in the State of Washington are being slapped with these unfair source taxes—12,000 retirees from California alone. Nearly 37,000 who live in Washington and work in Oregon will owe Oregon State income taxes on their pensions when they retire. These retirees are taxed for the rest of their lives with no rights.

It is not only unfair, it is wrong to tax citizens who do not receive the benefit of those taxes. It is wrong to tax citizens who do not have a vote. Washington retirees are being hit with double taxation.

Mr. Speaker, I urge my colleagues to put an end to a tax practice that unfairly taxes our senior citizens.

DISCIPLINE NEEDED TO CUT SPENDING, NOT RAISE TAXES

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the American people said very clearly early last Friday morning when their Representatives voted on that tax package that they do not want taxes increased in America, they want spending cut. It is time we look at this because we are scheduled to add $364 billion to the national debt this year.

I believe the plan that Congress should adopt is the one that I hope to get permission to offer on the floor of this House. That would get us out of this deficit mess, not by raising taxes on anybody in this country but by cutting spending. This institution controls spending in America, Presidents do not, and up to now we have not evidenced the discipline to even cut appropriation bills by a modest 2 percent.

The appropriation bills we passed in this Democrat-controlled Congress are on the average of 13 percent higher than what we spent in the preceding year.

Mr. Speaker, what America needs is a Congress with some discipline, and if we do not get it before November, I hope the American people will get out a broom and start sweeping the big spenders out.

A PLEA TO ELIMINATE THE GRAZING SCAM

(Mr. DARDEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, it is going to be a very difficult and contentious day in the House, I believe, and I think the 1-minute speeches we have already heard seem to indicate it is going to be a rather exciting time around the old House of Representatives.

We have a conference report to consider on the Civil Rights Act of 1990, we have a bill providing for authorization for the National Endowment for the Arts, and I submit that might be somewhat testy, and we have H.R. 5769, the bill on appropriations for Interior and related agencies. But there is one amendment to that bill that should not be controversial.

The gentleman from Oklahoma [Mr. SYNAR], the gentleman from Pennsylvania [Mr. CLINGER], and I will offer an amendment to do away with the grazing scam once and for all. All those Members like the gentleman from California who just spoke, who want to implement the grazing cuts will, I know, see that the Grace Commission recommendation that we seek to implement will save millions of dollars for the taxpayers.

This is a small way by which we can save about $50 million a year. Fifty million dollars a year might not be much to some people, Mr. Speaker, but it is a lot to me and a lot to my constituents.

So, Mr. Speaker, I ask the Members to join with me and the gentleman from Oklahoma and the gentleman from Pennsylvania, and let us eliminate the grazing scam, the subsidy that these greedy Western cattlemen have received for many years. Let us implement the Grace Commission's recommendation and let us cut wasteful Government spending.

REPUBLICANS UNVEIL NEW TAX PROPOSALS

(Mr. HUNTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, over the last several weeks Republicans have indicated what they do not stand for and what they do not want, and there was a majority on this side of the aisle, on the Republican side, that rejected the budget deal that was put together by the summiteers. It is now important for us to talk about what we do stand for, and I want to say just a couple of things about the package that the gentleman from Ohio [Mr. KASICH] and the gentleman from Michigan [Mr. PURSELL] and the task force have produced and which the Republican Policy Committee has voted to approve.

We stand for cutting the 10- to 12-cent-a-gallon gas tax that is present in the summit budget proposal. Republicans stand against the gas tax, and we stand for cutting domestic discretionaries.

I think it is very important to note that the Republican package that will be unveiled very shortly, after the next conference, is going to recommend something less than that 4 percent inflation increase for that pot of money that is known as domestic discretionary spending.

APPOINTMENT OF CONFEREES ON H.R. 5268, RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1991

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5268) making appropriations for Rural Development, Agriculture, related agencies programs for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees and, without objection, reserves the right to appoint additional conferees: Messrs. WHITTEN, TRAXLER, MCHUGH, NATCHER, WATKINS, and DURBIN, Ms. KAPTUR, Mr. SMITH of Iowa, Mrs. SMITH of Nebraska, and Messrs. MYERS of Indiana, SKEEN, WEBER, and CONTE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1991

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees and, without objection, reserves the right to appoint additional conferees: Mr. TRAXLER, Mr. STOKES, Mrs. BOGGS, and Messrs. MOLLOHAN, CHAPMAN, ATKINS, WHITTEN, GREEN of New York, COUGHLIN, LEWIS of California, and CONTE.

There was no objection.

□ 1050

APPOINTMENT OF CONFEREES ON H.R. 5313, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1991

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5313) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and appoints the following conferees and without objection, reserves the right to appoint additional conferees: Messrs. HEFNER, ALEXANDER, THOMAS of Georgia, and COLEMAN of Texas, Ms. KAPTUR, and Messrs. BEVILL, DICKS, FAZIO, WHITTEN, LOWERY of California, EDWARDS of Oklahoma, KOLBE, DELAY, and CONTE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5229, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5229) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees and without objection, reserves the right to appoint additional conferees: Messrs. LEHMAN of Florida, GRAY, CARR, DURBIN, MRAZEK, SABO, WHITTEN, COUGHLIN, CONTE, WOLF, and DELAY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5019, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1991

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5019) making appropriations for energy and water development for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees and without objection, reserves the right to appoint additional conferees: Mr. BEVILL, Mrs. BOGGS, and Messrs. FAZIO, WATKINS, THOMAS of Georgia, CHAPMAN, WHITTEN, MYERS of Indiana, and Mrs. SMITH of Nebraska, Mr. PURSELL, and Mr. CONTE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5311, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1991

Mr. DIXON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5311) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GALLO

Mr. GALLO. Mr. Speaker, I offer a motion to instruct.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. GALLO moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 5311, be instructed to agree to the amendment of the Senate numbered 18 restoring to the University of the District of Columbia $1.6 million in non-Federal funds.

The SPEAKER. The gentleman from New Jersey [Mr. GALLO] will be recognized for 30 minutes, and the gentleman from California [Mr. DIXON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion seeks to restore $1.6 million of the District of Columbia's own funds for the purpose of higher education; namely the University of the District of Columbia.

On July 26, the House voted to strike these funds in a dispute over a piece of artwork that was part of a larger project being planned at the university.

Since that time the artwork in question has been withdrawn from consideration, removing the stated reason for the objection.

Mr. Speaker, I offer this motion to instruct because I believe that we should publicly acknowledge that fundamental changes have occurred—and are still occurring—at the university.

If the Members who voted to strike this money truly believe in the actions they took in July, then they should support this restoration of funds, because it is consistent with that earlier action.

However, I offer this motion today, Mr. Speaker, for another purpose as well.

While we have worked within these walls on a budget, the students of the University of the District of Columbia have raised their voices in protest.

I do not condone the actions of the students at the university, but I understand their frustration.

It is the same frustration that the Members of this body felt when they voted to strike these funds in July, because of the poor judgment of the university's trustees.

But, the university officials have canceled the project that caused this House to remove these funds.

The facility that was to house the objectionable work will not be built.

We should now focus on education.

We should send a clear message to the District government and to the administration and faculty of the university that they should stop fighting over turf and start providing a quality education that the students need to succeed in today's world.

We have a window of opportunity.

It is clear that new leadership will emerge at the university in the near future, as well as within District government.

Let me remind my colleagues that this money represents District tax dollars, not Federal money.

We need to look to the future, not the past.

Mr. Speaker, I urge Members to vote yes on the motion to instruct.

Letter from Mr. PARRIS follows:

COMMITTEE ON THE
DISTRICT OF COLUMBIA,
Washington, DC, October 11, 1990.

Hon. DEAN GALLO,
Vice Chairman, Appropriations Subcommittee on the District of Columbia, U.S. House of Representatives, Washington, DC.

DEAR DEAN: I write in strong support of your motion to instruct the conferees on the FY 1991 D.C. Appropriations Act to restore the $1.6 million which my floor amendment sought to cut from the UDC budget.

The intent of my amendment, as you know, has since been accomplished through the well publicized actions of the students and faculty of the university, and the subsequent withdrawal of the offer to house The Dinner Party.

Thank you for your efforts in this regard.

Sincerely,

STAN PARRIS,
Vice Chairman.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to instruct offered by the gen-

tleman from New Jersey [Mr. GALLO]. As the gentleman astutely pointed out, this is $1.6 million of local moneys, not Federal funds. I certainly support his motion to instruct.

Mr. GALLO. Mr. Speaker, for purposes of debate only, I yield 12 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for yielding. I want to advise Members that at the time when the Speaker calls for the previous question, I will seek to defeat the previous question so that I can offer an amendment to the pending motion to instruct conferees that will incorporate the language that is being offered by the gentleman from California [Mr. DIXON] and the gentleman from New Jersey [Mr. GALLO] on the point that they have described to the House.

I will seek to add an additional instruction to the conferees that will have the effect of adding two amendments that were adopted in the Senate, one by Senator ADAMS from the State of Washington, and the other by Senator ARMSTRONG from the State of Colorado.

Mr. Speaker, this effort deals with the functioning of Big Brothers in the District of Columbia. The first amendment that was adopted in the Senate dealing with this issue was presented by Senator ADAMS from the State of Washington. What his amendment did was to amend the basic ordinance of the District of Columbia to make very clear that an organization could adopt a policy that would exclude from membership in such Big Brothers organization the exclusion of any adult convicted of or charged with a crime or who otherwise poses a threat to a child, and, second, would give to a parent the option of whether or not that parent wanted a particular Big Brother to take over a position of helping that parent's child in the Big Brothers organization.

That amendment was adopted on a vote of 98 to 0 in the Senate. I would submit it is appropriate for the House to adopt the same amendment.

□ 1100

The second amendment that I would seek to add was offered by Senator BILL ARMSTRONG from the State of Colorado, and it would say that any Big Brothers organization could adopt a policy, if they chose do so, which would make clear that they did not have to accept a homosexual as a Big Brother in that youth organization.

The practice that is currently taking place in the District of Columbia is as follows: For many years the Big Brothers organization in the District of Columbia declined to bring into their programs persons who were homosexuals in their sexual orientation. The District of Columbia has an ordinance that precludes discrimination based on sexual preference, and the homosexual community in the District of Columbia pressured the Big Brothers organization to modify their policy to accept homosexuals as Big Brothers in the District of Columbia.

This amendment by Senator ARMSTRONG makes clear that if the Big Brothers organization in the District of Columbia chooses to have a policy that they choose not to have homosexuals as Big Brothers, then they could have such a policy and not be in conflict with the local ordinance of the District of Columbia.

With respect to the legislative need in this area, I think we should be aware of what is going on in this country in the form of an assault on traditional family values.

On August 9, 1989, the U.S. Department of Health and Human Services released a report entitled "Report of the Secretary's Task Force on Youth Suicide." A portion of that report read as follows:

> Communities need to develop social groups and activities specifically for gay and lesbian youth as a way of meeting others like themselves and developing relationship skills. Existing youth programs such as the Boy and Girl Scouts should include gay youth into their activities. Youth programs such as Big Brothers and Big Sisters should enlist gay and lesbian adults to work with gay youth.

When you heard that, you heard it right. This was a publication of the U.S. Government Health and Human Services Department on August 9, 1989. It outraged people in this country who believe in traditional family values of human sexuality as one man and one woman who come together in an institution called marriage and pledge to be mutually faithful, and families in America were properly outraged by this statement.

Secretary Sullivan wrote on October 13, 1989:

> I want to reemphasize that the views expressed in the paper entitled "Gay Male and Lesbian Youth Suicide" do not in any way represent my personal beliefs or the policy of this Department.

So Secretary Sullivan has specifically disavowed that language. But we should not delude ourselves in what is taking place with respect to this publication. It is being disseminated across America as the official position of the U.S. Government.

My friends, it is later than we think.

I want to read at random accounts in newspapers in this country dealing with the issues that I am talking about; namely, youth organizations, Big Brothers and others which are using homosexuals as youth counselors.

September 1, 1990, Associated Press.—The Mayor of Sunnyvale, California, Brian O'Toole, "resigned his post after pleading no contest Friday to one felony charge of molesting a boy under the age of 14. O'Toole met the boy through the Big Brothers program * * * O'Toole, released on $5,000 bail, is accused of molesting the Cupertino boy from the time the youth was 9 until he was 13."

June 7, 1990, Associated Press.—"A Hartford [Conn.] man, who authorities said tried to coerce a 13-year-old boy into a homosexual relationship and killed him when the boy tried to end their friendship, was sentenced to 36 years in prison * * * [the man] was [the boy's] baseball coach and the two were considered close friends."

April 21, 1990, Associated Press.—"A Boy Scout leader [in Lodi, NY] has been charged with 126 counts of sodomy for alledgedly having sex with members of his scout troop at a summer camp."

April 17, 1990, Associated Press.—"[An Oregon] state study has concluded that procedures giving William Dufort 'unrestricted access to spend time alone with children on and off campus' set the stage for sex abuse at the Children's Farm Home * * * Dufort, the 49-year-old former executive director of the Farm Home, faces 43 felony and misdemeanor charges of sexual abuse involving 10 boys at the home."

April 12, 1990, Associated Press.—"The last two suspects in a homosexual ring that preyed on boys in Mobile [AL] for a decade were given prison sentences * * * [The men] would drive around neighborhoods and look for kids on the street and often these kids were bored kids sometimes from troubled homes * * *."

October 10, 1988, Associated Press.—"I had a teacher tell me, 'I picked out the boys that didn't have fathers. I befriended them. They were vulnerable in that area; I knew they needed role models,' said a therapist who lectures nationally about sex offenders * * * 'I think my son was looking for a big buddy, for an older male to fill [the vacancy of a father],' said another mother."

November 19, 1987, Associated Press.—"An Atlanta area man who was treated in the Anneewakee wilderness therapy program as a teen-ager says he developed a homosexual relationship with the [founder of the program] * * * [the founder] is charged with 26 counts of sodomy * * *."

June 4, 1988.—Staten Island computer analyst who used his position as a Big Brother volunteer to molest a 7-year-old boy.

July 16, 1988.—Episcopalian priest in Wisconsin who ran his church's altar boy program.

July 18, 1988.—The executive director of a missing children's search group who sexually assaulted young boys he was hired to find.

October 17, 1988.—A pentecostal preacher acknowledged at least 100 experiences of oral sodomy on young boys, some only 8 years old.

November 22, 1987.—A conspiracy of male homosexual administrators and employees at a school for the deaf were regularly beating and sexually abusing young deaf boys.

May 11, 1988.—A gym teacher in Maryland abusing boys ages 6 to 10 at an elementary school.

May 11, 1988.—A high school wrestling coach molesting a member of his wrestling team.

May 10, 1988.—A homosexual prison guard assaulting teen-age boys at a state prison.

Here is an advertisement that I would like to put in the CONGRESSIONAL RECORD from the Big Brothers/Big Sisters of America. This appeared in

Washington Blade, a homosexual publication of the District of Columbia dated February 16, 1990. It says, "Be a Big Brother or Big Sister."

"When I grow up, Dad, I'm gonna be a Big Brother." "Call your local Big Brother/Big Sisters Agency."

Then there was a story in the San Francisco Chronicle on February 18, 1990, "A Silence of Shame—Sons of Asian Refugees Are Being Sexually Abused by 'Friends' and 'Helpers'." I will not take the time of the House to read the entire account, but what it says is that the homosexual network in America is using its access into Big Brother programs around this country for the purpose of soliciting young boys for sexual activity, transporting them around the world to other countries where authorities are more sympathetic to the activities of such relationship than exist here in this country.

The reason I believe it is important to amend this motion to instruct is to designate or require that our conferees from the House in the District of Columbia appropriations bill adopt the same amendments that were adopted by Senator ADAMS and Senator ARMSTRONG in the Senate in the manner that I have described.

I thank my friend from New Jersey for this time, and I will ask the House to defeat the previous question so that I can amend the instructions that are currently being considered and incorporate both instruction into the one amendment.

Mr. DIXON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I have heard the arguments of my colleague from California many times before on this floor. The issue that he really fails to address here is that Senator ARMSTRONG and he are both interfering with District of Columbia statutes.

There is a statute in the District of Columbia, the District of Columbia Human Rights Act, with the District determined was possibly being violated by the Big Brothers operating here in Washington, DC. That Big Brothers organization, if it is to operate here, must conform to the laws that have been passed by this District.

Senator ARMSTRONG is not a member of the District's legislative body. Neither is Congressman DANNEMEYER. I would ask that Members reject his arguments.

Mr. GALLO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I know the gentleman from California [Mr. DANNEMEYER] is very concerned about this particular issue, and I know he feels very strongly about it.

□ 1110

Likewise, I feel very strongly about the University of Washington, DC, and the $1.6 million that was taken from it by this House. I know the dispute that centered around that with this objectionable piece of art and also a building that was going to be built.

But I think the words of the House have been heard by not only the university but also by Washington, DC, government.

What I am asking is that we recede by way of instructions, recede to the Senate in full restoration of that $1.6 million.

What I am asking is that my colleagues vote "yes" on the previous question.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. GALLO. I yield to the gentleman from California for purposes of debate only.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, what I want to make clear is that I am not seeking to eliminate the gentleman's motion to instruct. My amendment, all it does is add my language to his so the two would be combined in the amendment that I seek to offer. I think the gentleman's point is well taken. It would be affirmed if I am successful in my effort. I want to make that clear to our Members.

Mr. DIXON. Mr. Speaker, I yield back the balance of my time.

Mr. GALLO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 156, not voting 22, as follows:

[Roll No. 443]

YEAS—255

Ackerman	Boxer	Coleman (TX)
Anderson	Brennan	Collins
Andrews	Brooks	Conte
Annunzio	Browder	Conyers
Anthony	Brown (CA)	Cooper
Aspin	Bruce	Costello
Atkins	Bryant	Courter
AuCoin	Buechner	Coyne
Bates	Bustamante	Crockett
Beilenson	Campbell (CA)	Darden
Bennett	Campbell (CO)	DeFazio
Berman	Cardin	Dellums
Bevill	Carper	Dicks
Bilbray	Carr	Dingell
Bliley	Chandler	Dixon
Boehlert	Chapman	Donnelly
Bonior	Clarke	Dorgan (ND)
Borski	Clay	Downey
Bosco	Clement	Durbin
Boucher	Coleman (MO)	Dwyer
Dymally	Lewis (CA)	Rostenkowski
Dyson	Lewis (GA)	Roybal
Early	Lipinski	Russo
Eckart	Long	Sabo
Edwards (CA)	Lowery (CA)	Saiki
English	Lowey (NY)	Sangmeister
Erdreich	Luken, Thomas	Savage
Espy	Machtley	Sawyer
Evans	Manton	Saxton
Fascell	Martin (NY)	Scheuer
Fazio	Martinez	Schiff
Feighan	Matsui	Schneider
Fish	Mavroules	Schroeder
Flake	Mazzoli	Schulze
Flippo	McCloskey	Schumer
Foglietta	McCurdy	Serrano
Ford (MI)	McDade	Sharp
Ford (TN)	McDermott	Shaw
Frank	McGrath	Shays
Frost	McHugh	Sikorski
Gallo	McMillen (MD)	Sisisky
Gaydos	McNulty	Skaggs
Gejdenson	Mfume	Skeen
Gephardt	Michel	Slattery
Geren	Miller (CA)	Slaughter (NY)
Gibbons	Miller (WA)	Smith (FL)
Gilman	Mineta	Smith (IA)
Glickman	Mink	Smith (VT)
Gonzalez	Moakley	Snowe
Gordon	Molinari	Solarz
Gradison	Mollohan	Spratt
Gray	Moody	Staggers
Green	Morella	Stallings
Guarini	Morrison (CT)	Stark
Hamilton	Morrison (WA)	Stokes
Hatcher	Mrazek	Studds
Hawkins	Murphy	Sundquist
Hayes (IL)	Murtha	Swift
Hertel	Nagle	Synar
Hoagland	Natcher	Tanner
Hochbrueckner	Neal (MA)	Thomas (GA)
Horton	Nowak	Torres
Hoyer	Oakar	Torricelli
Hubbard	Oberstar	Towns
Hughes	Obey	Traficant
Hunter	Olin	Traxler
Johnson (CT)	Ortiz	Udall
Johnston	Owens (NY)	Unsoeld
Jones (GA)	Owens (UT)	Upton
Jones (NC)	Pallone	Vander Jagt
Jontz	Panetta	Vento
Kanjorski	Payne (NJ)	Visclosky
Kaptur	Payne (VA)	Walgren
Kastenmeier	Pease	Walsh
Kennedy	Pelosi	Washington
Kennelly	Perkins	Waxman
Kildee	Pickett	Weiss
Kostmayer	Pickle	Wheat
LaFalce	Price	Whitten
Lantos	Pursell	Williams
Leach (IA)	Rangel	Wise
Lehman (CA)	Ray	Wolpe
Lehman (FL)	Richardson	Wyden
Levin (MI)	Roe	Wylie
Levine (CA)	Rose	Yates

NAYS—156

Alexander	DeLay	Hiler
Applegate	Derrick	Holloway
Armey	DeWine	Hopkins
Baker	Dickinson	Huckaby
Ballenger	Douglas	Hutto
Barnard	Dreier	Hyde
Barton	Duncan	Inhofe
Bateman	Edwards (OK)	Ireland
Bentley	Emerson	Jacobs
Bereuter	Fawell	James
Billirakis	Fields	Jenkins
Broomfield	Gallegly	Johnson (SD)
Brown (CO)	Gekas	Kasich
Bunning	Gillmor	Kolbe
Burton	Gingrich	Kolter
Byron	Goss	Kyl
Callahan	Grandy	Lagomarsino
Clinger	Grant	Lancaster
Coble	Gunderson	Laughlin
Combest	Hall (OH)	Leath (TX)
Condit	Hall (TX)	Lent
Coughlin	Hammerschmidt	Lewis (FL)
Cox	Hancock	Lightfoot
Craig	Hansen	Livingston
Crane	Hayes (LA)	Lloyd
Dannemeyer	Hefley	Madigan
Davis	Hefner	Marlenee
de la Garza	Herger	Martin (IL)

McCandless	Rhodes	Solomon
McCollum	Rinaldo	Spence
McEwen	Ritter	Stangeland
McMillan (NC)	Roberts	Stearns
Meyers	Robinson	Stenholm
Miller (OH)	Rogers	Stump
Montgomery	Rohrabacher	Tallon
Moorhead	Ros-Lehtinen	Tauke
Myers	Roth	Tauzin
Nelson	Rowland (GA)	Taylor
Nielson	Sarpalius	Thomas (CA)
Oxley	Schaefer	Thomas (WY)
Packard	Sensenbrenner	Valentine
Parker	Shumway	Volkmer
Pashayan	Shuster	Vucanovich
Patterson	Skelton	Walker
Paxon	Slaughter (VA)	Watkins
Penny	Smith (NE)	Weber
Petri	Smith (NJ)	Weldon
Porter	Smith (TX)	Whittaker
Poshard	Smith, Denny (OR)	Wolf
Quillen	Smith, Robert (NH)	Yatron
Rahall	Smith, Robert (OR)	Young (AK)
Ravenel		Young (FL)
Regula		

NOT VOTING—22

Archer	Hastert	Parris
Bartlett	Henry	Ridge
Boggs	Houghton	Roukema
Dornan (CA)	Kleczka	Rowland (CT)
Engel	Lukens, Donald	Schuette
Frenzel	Markey	Wilson
Goodling	McCrery	
Harris	Neal (NC)	

□ 1134

The Clerk announced the following pair:

On this vote.

Mr. Kleczka for, with Mr. Dornan of California against.

Messrs. LEATH of Texas, MYERS of Indiana, ROWLAND of Georgia, SKELTON, and DAVIS, Mrs. PATTERSON, and Messrs. THOMAS of Wyoming, JENKINS, LENT, KOLTER, DOUGLAS, BARNARD, IRELAND and CONDIT changed their vote from "yea" to "nay."

Messrs. PURSELL, UPTON, and BLILEY changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion to instruct offered by the gentleman from New Jersey [Mr. GALLO].

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees, and without objection, reserves the right to appoint additional conferees: Messrs. DIXON, NATCHER, STOKES, AUCOIN, DWYER of New Jersey, HOYER, WHITTEN, GALLO, GREEN of New York, REGULA, and CONTE.

There was no objection.

CONFERENCE REPORT ON S. 2104, CIVIL RIGHTS ACT OF 1990

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 477

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the bill (S. 2104) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.

The SPEAKER. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 477 waives all points of order against the conference report to S. 2104, the Civil Rights Act of 1990 and its consideration. In essence, the rule permits the House to consider the conference agreement reached last week by waiving all points of order, particularly those relating to scope of the conference.

Similar versions of the civil rights bill passed both Houses of Congress by overwhelming margins earlier this year, and it is critical that we complete consideration and send this bill to the President as soon as possible.

□ 1140

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman from Missouri has indicated, the reason for this rule is to protect the conference report on the Civil Rights Act against possible points of order. Specifically, there are two provisions in the conference report, dealing with a cap on punitive damages and some employment exemptions, which can be construed as exceeding the scope of the conference.

Mr. Speaker, I have no desire to delay the proceedings here today. I would just note, however, that the administration has this past week reiterated its concern about this bill. The administration has made it clear that not a single one of its concerns about the bill was resolved satisfactorily in the conference. Therefore, the veto threat still stands and should be taken seriously.

Mr. Speaker, I regret that we have evidently come to such an impasse. I believe the administration has made a good-faith effort to come to terms with this Congress on the issue of civil rights. But the President has made clear from the outset that he will not sign a quota bill, and this is a quota bill.

So I suspect we will be revisiting this issue next year, the next Congress.

I also would point out, Mr. Speaker, that I understand that a motion will be made at the conclusion of debate today to send this conference report back to conference. I am not sure who will be offering the motion, but I understand that one is on the way here right now.

I just hope we don't have to have further waivers of points of order when this conference report comes back to us again.

Mr. Speaker, I reserve the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no requests for time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule. I do not plan to take a great deal of time.

The one alteration that was authorized by this rule is one which required a waiver, and I objected to that. I did so because in the conference committee I did present an amendment which called upon the remedies section to be applicable to Congress. I was ruled out of order.

Now, I am not very high myself on having the remedies section of this bill be applicable to Congress because I think it is a tragic overkill and brings about multimillion-dollar lawsuits that can hold employers personally liable.

But I do believe that if we are about to have legislation like this that will be effective upon all the employers of America that that kind of amendment—you cannot deny the logic of having it apply also to Members of Congress, which at times has been described as "the last plantation."

We do have, Mr. Speaker, discrimination on the basis of race, sex, and national origin, and perhaps on religion too. I do not know about that. But to have this gutting of the EEOC and this new kind of bonanza for attorneys afflict all of America's employers and then to exempt Congress once again illustrates our obliviousness, our lack of care, I guess, in regard to the kind of legislation we pass and place upon the shoulders of America's businesses.

I think it contributes, Mr. Speaker, to the disrepute which is growing in this land with regard to this Congress.

We knowingly do this, we protect Congress by this rule, for instance, in the action that we took in the conference committee, and we will say in no way do we want to be dragged into Federal court and be subjected to a couple of hundred thousand dollars of personal liabilities because of allegations of discrimination on the basis of sex or race or religion or national origin; but we are more than willing to say to all of the employers of America, "We are going to do this to you be-

cause we think it is right, we think it is just, but we don't think it is right, we don't think it is just as far as the operation of our offices is concerned."

Let me tell you, perhaps there is some sex discrimination and racial discrimination taking place within Congress.

When we have that kind of rule and we overrule an attempt within the conference, when indeed we were entertaining my motion in that regard, we came to vote to adjourn and then we came back, and Senator KENNEDY's motion was on the table and mine was no longer there.

And all that Senator KENNEDY wanted to do was an alteration in reference to the cap on punitive damages, which is no alteration whatsoever.

So for that reason, Mr. Speaker, I rise in opposition to this rule.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the distinguished ranking Republican member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding.

I will be very brief.

Mr. Speaker, the rule is to allow us to take up the conference report for the purpose of explaining why we would like the motion to recommit to prevail, to reopen the conference. We are not addressing the substance of the conference passed as much as we are the agreement on changes to be put into the new conference report that we hope will satisfy many of the qualms that have been expressed by the Members.

So we are not asking for a vote on the rule. The purpose here is to bring the conference up so we can explain what we want to do and, hopefully, have a motion to recommit that will prevail.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], a member of the committee.

. Mr. GOODLING. Mr. Speaker, we are bringing a very, very controversial issue to the floor without much attention being paid to it, I think, by most people in the Congress of the United States. I understand we are going to have an opportunity to send this back to conference. Then we are going to come back and agree to the Hatch language, which, in fact, never agreed to. From everything I can gather from my legal scholars, it is worse than what we had originally and worse than what the conference is.

So I am just calling it to the attention of the Members that I hope they have a lot of time between now and whenever we cast this vote to really understand what it is they are going to be voting on. I will later on, mention some of the issues that I think are going to get worse with this so-called compromise. But at this time I would like to make sure the Members try to understand what it is we are doing here today in relationship to this complex legislation.

□ 1150

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, one thing everybody in this controversy agrees on, is that this bill ought to be recommitted to the conference committee, that the conference committee did not do a very good job. I agree that the conference committee did not do a very good job. This is a prime example of what happens when outside forces, special interest groups, attempt to dictate what goes on in a conference committee.

The conference committee that met on the civil rights bill was one of the most frustrating conferences that I have participated in in the 12 years I have been privileged to serve in this body. Members of the conference committee made motions, and then all of a sudden did not back up their motions. There was a lot of scurrying around to a back room, and as a result, the product we have seems to be unacceptable on both sides of the aisle.

The rule that is before us today purports to waive points of order against the conference report. I think it is important to mention at this point, that during the conference, Republican members of the conference, specifically the gentleman from Illinois [Mr. FAWELL], introduced language on congressional coverage that was outside the scope of the conference, and the Chair sustained a point of order against Mr. FAWELL, who was trying to bring the Congress under the same rules that we are imposing on the private sector through this bill.

However, when the Senator from Massachusetts [Mr. KENNEDY] introduced language that was outside the scope of the conference, the Chair, the gentleman from California [Mr. HAWKINS] just shrugged his shoulders and said, "We will have to go to the Rules Committee."

If we can go to the Rules Committee for the Kennedy language, why can we not go to the Rules Committee for the Fawell language to bring Congress under the scope of the civil rights bill? Apparently civil rights is not entitled to apply to all, and the Congress once again will be exempt.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out that I was not going to ask for a vote on the rule, but I understand that the motion to instruct has not arrived from legislative counsel; so, therefore, I will ask for a vote.

Mr. Speaker, I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I do not have any further requests for time, but I yield myself such time as I may consume, so I might offer this explanation:

I would like to indicate what we expect the order of the proceedings to be at this point in time. After the vote on the rule, we would proceed to the consideration of the conference committee report. It is my understanding that the managers of the bill would then offer a motion to adopt the conference committee report and some Member on the other side would then offer a motion to recommit the conference committee report to the conference committee with instructions. At that point, if that motion passed, this bill would then go back to conference where additional agreements could be made that would, perhaps, make the bill more palatable to Members on both sides of the aisle and in both bodies.

Mr. Speaker, with that, what I hope is a somewhat clear explanation, I urge adoption of the rule so that we may continue with this procedure and so that we may eventually adopt this vitally important conference report.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MFUME). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were: yeas 412, nays 5, not voting 16, as follows:

[Roll No. 444]

YEAS—412

Ackerman	Bevill	Callahan
Alexander	Bilbray	Campbell (CA)
Anderson	Bilirakis	Campbell (CO)
Andrews	Bliley	Cardin
Annunzio	Boehlert	Carper
Anthony	Bonior	Carr
Applegate	Borski	Chandler
Archer	Bosco	Chapman
Armey	Boucher	Clarke
Aspin	Boxer	Clay
Atkins	Brennan	Clement
AuCoin	Brooks	Clinger
Baker	Broomfield	Coble
Ballenger	Browder	Coleman (MO)
Barnard	Brown (CA)	Coleman (TX)
Barton	Brown (CO)	Collins
Bateman	Bruce	Combest
Bates	Bryant	Condit
Beilenson	Buechner	Conte
Bennett	Bunning	Conyers
Bentley	Burton	Cooper
Bereuter	Bustamante	Costello
Berman	Byron	Coughlin

Courter	Hubbard	Neal (NC)
Cox	Huckaby	Nelson
Coyne	Hughes	Nielson
Craig	Hunter	Nowak
Crockett	Hutto	Oakar
Dannemeyer	Hyde	Oberstar
Darden	Inhofe	Obey
Davis	Ireland	Olin
de la Garza	Jacobs	Ortiz
DeFazio	James	Owens (NY)
DeLay	Jenkins	Owens (UT)
Dellums	Johnson (CT)	Oxley
Derrick	Johnson (SD)	Packard
DeWine	Johnston	Pallone
Dicks	Jones (GA)	Panetta
Dingell	Jones (NC)	Parker
Dixon	Jontz	Pashayan
Donnelly	Kanjorski	Patterson
Dornan (CA)	Kaptur	Paxon
Douglas	Kasich	Payne (NJ)
Downey	Kastenmeier	Payne (VA)
Dreier	Kennedy	Pease
Duncan	Kennelly	Pelosi
Durbin	Kildee	Penny
Dwyer	Kleczka	Perkins
Dymally	Kolbe	Petri
Dyson	Kolter	Pickett
Early	Kostmayer	Pickle
Eckart	Kyl	Porter
Edwards (CA)	LaFalce	Poshard
Edwards (OK)	Lagomarsino	Price
Emerson	Lancaster	Pursell
Engel	Lantos	Rahall
English	Laughlin	Rangel
Erdreich	Leach (IA)	Ravenel
Espy	Leath (TX)	Ray
Evans	Lehman (CA)	Regula
Fascell	Lehman (FL)	Rhodes
Fazio	Levin (MI)	Richardson
Feighan	Levine (CA)	Ridge
Fields	Lewis (CA)	Rinaldo
Fish	Lewis (FL)	Ritter
Flake	Lewis (GA)	Roberts
Flippo	Lightfoot	Robinson
Foglietta	Lipinski	Roe
Ford (MI)	Livingston	Rogers
Ford (TN)	Lloyd	Rohrabacher
Frank	Long	Ros-Lehtinen
Frenzel	Lowery (CA)	Rose
Frost	Lowey (NY)	Rostenkowski
Gallegly	Luken, Thomas	Roth
Gallo	Lukens, Donald	Roukema
Gaydos	Machtley	Rowland (GA)
Gejdenson	Madigan	Roybal
Gekas	Manton	Russo
Gephardt	Marlenee	Sabo
Geren	Martin (IL)	Saiki
Gibbons	Martin (NY)	Sangmeister
Gillmor	Matsui	Sarpalius
Gilman	Mavroules	Savage
Gingrich	Mazzoli	Sawyer
Glickman	McCandless	Saxton
Gonzalez	McCloskey	Schaefer
Goodling	McCollum	Scheuer
Gordon	McCurdy	Schiff
Goss	McDade	Schneider
Gradison	McDermott	Schroeder
Grandy	McEwen	Schulze
Grant	McGrath	Schumer
Gray	McHugh	Sensenbrenner
Guarini	McMillan (NC)	Serrano
Gunderson	McMillen (MD)	Sharp
Hall (OH)	McNulty	Shaw
Hall (TX)	Meyers	Shays
Hamilton	Mfume	Shumway
Hammerschmidt	Michel	Shuster
Hancock	Miller (CA)	Sikorski
Hansen	Miller (OH)	Sisisky
Hastert	Miller (WA)	Skaggs
Hatcher	Mineta	Skeen
Hawkins	Mink	Skelton
Hayes (IL)	Moakley	Slattery
Hayes (LA)	Molinari	Slaughter (NY)
Hefley	Mollohan	Slaughter (VA)
Hefner	Montgomery	Smith (FL)
Henry	Moody	Smith (IA)
Herger	Moorhead	Smith (NE)
Hertel	Morella	Smith (NJ)
Hiler	Morrison (WA)	Smith (TX)
Hoagland	Mrazek	Smith (VT)
Hochbrueckner	Murphy	Smith, Denny (OR)
Holloway	Murtha	Smith, Robert (NH)
Hopkins	Myers	Smith, Robert (OR)
Horton	Nagle	
Houghton	Natcher	
Hoyer	Neal (MA)	
Snowe	Taylor	Watkins
Solarz	Thomas (CA)	Waxman
Solomon	Thomas (GA)	Weber
Spence	Thomas (WY)	Weiss
Spratt	Torres	Weldon
Staggers	Torricelli	Wheat
Stallings	Towns	Whittaker
Stangeland	Traficant	Whitten
Stearns	Traxler	Williams
Stenholm	Unsoeld	Wise
Stokes	Upton	Wolf
Studds	Valentine	Wolpe
Stump	Vander Jagt	Wyden
Sundquist	Vento	Wylie
Swift	Visclosky	Yates
Synar	Volkmer	Yatron
Tallon	Vucanovich	Young (AK)
Tanner	Walgren	Young (FL)
Tauke	Walker	
Tauzin	Walsh	

NAYS—5

Crane	Fawell	Washington
Dickinson	Quillen	

NOT VOTING—16

Bartlett	Markey	Schuette
Boggs	Martinez	Stark
Dorgan (ND)	McCrery	Udall
Green	Morrison (CT)	Wilson
Harris	Parris	
Lent	Rowland (CT)	

□ 1211

Messrs. UPTON, STUMP, and DENNY SMITH changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DORGAN of North Dakota. Mr. Speaker, I inadvertently missed the vote on rollcall 444 pertaining to House Resolution 477. Had I been present I would have voted "yes."

Mr. HAWKINS. Mr. Speaker, pursuant to the provisions of House Resolution 477, I call up the conference report on the Senate bill (S. 2104) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to House Resolution 477, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 26, 1990 at page H8045.)

The SPEAKER pro tempore. The gentleman from California [Mr. HAWKINS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the time allotted to the majority be equally divided between myself and the gentleman from Texas [Mr. BROOKS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this brings up again for a discussion the Civil Rights Act of 1990.

I would like to remind the Members that we have already successfully and overwhelmingly adopted a bill. Since that time, many questions have been raised by individuals who have labeled this a quota bill.

During the debate and prior thereto we adopted some 22 amendments to the original bill which has been under debate for more than a year. I would like to remind Members that this civil rights bill, or basically title VII of the Civil Rights Act has never at any time suggested or approved the use of quotas. As a matter of fact, quotas have been prohibited.

There is some confusion between this and several of the executive orders that did require some counting of individuals and separation as to race, sex, and other standards. Racial preference and quotas are illegal under title VII. Being fair to women, minorities, and the poor is not preferential treatment, and I do not know of anyone, I have seen no one who is rushing to become a part of these protected groups any more than protecting the rights of those who are better off is discriminatory.

Racial, sexual, and religious discrimination is an evil regardless of who practices it. Qualifications under title VII are and should be the only test that is right, and that is all the original bill attempted to do.

Since that time, to make it abundantly clear that this is not a quota bill, we have made various changes. We have also adopted provisions that would protect in many cases women as well as men.

I should at this point note that black women are protected under another section, section 1981 of an earlier Civil Rights Act. White women, on the other hand, have the problems that they have no provision in the law today that protects them as opposed to black women who can sue on the basis of race, but on the basis of sex women are unprotected. We have tried through this proposal to protect them.

Basically, the good side of the Civil Rights Act is that it overturns the interpretation placed on title VII by the Supreme Court. In so doing, we have had to accept at various times amendments that we did not agree with, but we have accepted them merely to show good faith, and to attempt to get favorable treatment from the President, who has indirectly been quoted as being opposed to the proposal to civil rights, and we have tried to do our best in a good faith effort to meet that objection.

I think in a large way we have overcome practically all suggestions or ob-

jections that have been expressed, and we are continuing to do so. Conferences have been going on between this body and the other body on ways in order to make this not a political test, not a political issue, but to make it a sincere issue on the basis of civil rights, and that is the same spirit that motivates us now.

It is our hope that the Members will adopt what we have proposed and that we can get on to the business of sending a bill down to the President that we believe he will sign.

Mr. Speaker, I reserve the balance of my time.

□ 1220

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when this bill originally came from the other body, one of the ranking members over there said to me, "We did not give you a civil rights bill. We are sorry. We hope you can clean it up and give us a civil rights bill by the time you are finished." That was my hope also, and as we worked through committee, I had hoped that we would spend most of our time talking about how we can bring both sides together rather than how we can set up barriers to having employers and employees mediate matters in a congenial fashion.

I also had hoped that anyone who was aggrieved would have an opportunity to very quickly have their problems settled so that they could return to the work force or hired into the work force. It was not my hope that we would send them off into some lengthy court proceeding that may go on for 2 years, 3 years, 4 years, and then the only persons ending up with geting any benefits would be the attorneys. As I indicated the last time the bill came to the floor, to me it is a full-employment bill for attorneys. I have no objection to their having full employment. I just do not think the Federal Government should be in the business of determining how they get that full employment, but the people who have been aggrieved get nothing.

The changes that have been made to this point are cosmetic, strictly cosmetic. Those changes that were suggested that I suppose we will hear about later, the author of those changes no longer accepts authorship, and all of my legal experts would indicate that what those changes do make it even worse than it was when we finished with it in conference.

I hope before the year is out, or if not, very shortly thereafter, we will have legislation before us that will concentrate on the problems that women are having, the problems Hispanics are having, the problems that Southeast Asians are having.

Certainly we do not have to concentrate on how we can better line the pockets of attorneys and not give those who have been aggrieved the opportunity for redress, and redress immediately.

Mr. Speaker, the bill remains a massive revision of title VII ranging far beyond the Supreme Court cases it was supposedly intended to reverse, retains unlimited punitive and compensatory damages in a radical departure from all other labor law statutes, and will be a lawyers' dream come true. Indeed, the bill has an entire section, section 9, itself reversing four Supreme Court decisions, directed towards providing for larger and larger fee recoveries. The American Bar Association has endorsed this legislation—What a surprise!

Have some changes been made? Sure, but they are purely cosmetic, and in some instances make the bill worse. Perhaps my view might be a little different had the majority seen fit to adopt any of the many amendments offered by the minority during the 4-day markup of this bill in the Education and Labor Committee, an experience largely repeated in Judiciary.

But what happened in conference? Well not much; the Senate receded on almost all points and the bill we are considering today is virtually identical to that considered by this body immediately before the August recess. Oh yes, there was one change—extending H.R. 4000's fictional so-called cap on punitive damages to all businesses. This cap provides that punitive damages may not exceed $150,000 or an amount equal to compensatory damages plus lost backpay, whichever is greater. This is obviously no cap at all, as other speakers will also make clear, and employers remain exposed to six-figure and even million dollar awards for every personnel decision made every day in the workplace.

Mr. Speaker, all past efforts to compromise had been rejected by the proponents of this legislation. The conference committee filed its report on September 26. Yet, 2 weeks later we are considering this report. I would hope my colleagues would ask, why it has taken so long to adopt this conference report? It is our understanding that the proponents of this legislation have been unable to come up with enough votes to show veto strength. It is rumored that a motion to recommit the bill back to conference will be offered. The language that we understand the supporters of this motion wish to include does nothing to resolve the quota issue. No changes are being proposed which would modify that section dealing with damages. The new language would still preclude many individuals from challenging a court decree. I would urge my colleagues to demand meaningful changes rather than simply hollow assurances that the bill will be fixed if the motion to recommit is adopted.

Mr. HAWKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, the language approved by the Conference on the Civil Rights Act of 1990 incorporates many changes in this legislation's original formulation—fashioned at different stages of congressional consideration and designed in response to problems identified by the administration and the business community. The effort to achieve consensus on the Civil Rights Act of 1990 did not end when the conference committee concluded its work; on the contrary, a number of my colleagues and I participated in continuing discussions during the last 2 weeks. The result of these discussions is an alternative formulation of certain key provisions. My hope is that this body will recommit the conference report—thus affording the conferees an opportunity to report back with changes drafted to allay lingering misgivings about this legislation.

The Congress of the United States cannot ignore the erosion of safeguards for women and members of minority groups that results from recent, restrictive Supreme Court decisions. The legislative branch of government possesses an enhanced responsibility to pass new antidiscrimination legislation when existing statutory provisions—as interpreted by our courts—fail to accomplish their intended purposes.

Throughout our consideration of the Civil Rights Act of 1990, I and many of my colleagues have sought to include provisions designed to reassure members of the business community that the legislation does not compel or encourage the use of quotas. I am pleased to report to this body that the conference reported language unequivocally rejects any suggestion that employers must resort to quotas—stating in no uncertain terms:

(1) The mere existence of a statistical imbalance in an employer's workforce on account of race, color, religion, sex, or national origin is not alone sufficient to establish a prima facie case of disparate impact violation.

(2) Nothing in the amendments made by this act shall be construed to require an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex, or national origin * * *.

In response to concerns that this latter language needs to be worded even more broadly, a reconvened conference will have the opportunity to clarify that the legislation not only does not require quotas but also does not encourage quotas.

I recognize that some will describe our effort to address the quota concern head on as inadequate and argue that employers nevertheless will rely on quotas to protect themselves against claims that groups of employment practices have disproportionate adverse impacts on women or members of minority groups. This argument, however, overlooks the critical point that the complaining party essentially must link a specific practice or practices to disparate impact unless the respondent forecloses the possibility. The following new proposed statutory

language, which a reconvened conference will have the opportunity to recommend, removes all lingering ambiguity on this issue:

[T]he complaining party shall be required to demonstrate which specific practice or practices are responsible for the disparate impact in all cases unless the court finds after discovery (a) that the respondent has destroyed, concealed or refused to produce existing records that are necessary to make this showing, or (b) that the respondent failed to keep such records.

Mr. Speaker, that formulation is balanced and fair.

Employment practices resulting in disparate impact, of course, may not be unlawful. Business necessity serves as a potential defense. Legislative language, incorporated in the conference report, codifies and explicitly acknowledges that it codifies—"the meaning of 'business necessity' as used in Griggs versus Duke Power Co."—a Supreme Court decision with an 18-year history of not leading to quotas. By recommitting the conference report, we will permit modification of the business necessity definition to clarify that certain employment decisions have enhanced protection. The proposal also facilitates proof of business necessity by specifically delineating additional categories of admissible evidence.

This legislation provides a damages remedy in title VII of the Civil Rights Act, but damages will not be available in cases of unintentional discrimination—again negating any suggestion that employers may need to rely on quotas in order to avoid large damage awards. The availability of punitive damages is further circumscribed by the requirement of "malice" or "reckless or callous indifference to the federally protected rights of others." Members will recall that punitive damages were capped for employers of fewer than 100. The conferees lifted this limitation—approving a punitive damages ceiling applicable to all employers. This should allay concerns in the business community and gain broader support for this legislation. The new formulation eliminates any basis for fear of excessive punitive damages awards.

In considering the appropriateness of damages as a remedy, we need to bear in mind that compensatory and punitive damages already are available for racial discrimination under other legislation. Mr. Speaker, it is too late in our national struggle for equal opportunity to contend that damages may be justified for the victims of racial discrimination but not for those who suffer from intentional discrimination based on sex, religion, or national origin.

The proposal the conferees will consider—assuming this body votes to recommit the conference report—incorporates a number of other protections.

First, we eliminate any basis for concern that provisions on "Proof of Unlawful Employment Practices in Disparate Impact Cases" may be interpreted to overrule case law involving comparable worth; proposed language explicitly states that there is no such intent.

Second, we bar damages in mixed motive cases—involving employment practices motivated by both discriminatory and nondiscriminatory criteria—if the same action would have been taken "in the absence of any discrimination." This fully reponds to concerns about potential liability.

Third, we limit the potential, in a subsequent civil rights action, for recovering attorney's fees from the losing party in the original action—thus addressing a concern about fairness in awards of attorneys' fees.

Fourth, we redraft provisions on "Finality of Litigated or Consent Judgments or Orders" to loosen restrictions on challenging resolutions of employment discrimination claims; the nature of "actual notice"—which serves as a bar to subsequent challenges—is delineated with specificity.

Mr. Speaker, this legislation safeguards employment rights without compromising the needs of American businesses. I urge my colleagues to vote to recommit the conference report, thus permitting us to bring back to this body an improved version of the Civil Right Act of 1990.

□ 1230

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Members of the House and Senate, after a free and open conference, have returned to their respective Houses with a Civil Rights Act of 1990 that reflects a consensus between the bills that were passed by the two Houses. This conference report involved a great deal of effort by Members on both sides of the aisle and in both bodies to craft a strong, effective, and fair civil rights bill that would also enjoy the support of the President, I believe that the changes that were made by the conference improved the bill and clarified the act for the benefit of business people who conscientiously seek to follow the law.

Nevertheless, many Members have expressed concern that the conference report, as initially agreed upon, needs further refinement and clarification. Accordingly, a number of Members who are deeply committed to the twin goals of effective civil rights enforcement in the area of employment law, and fairness to those who are subject to the requirements of that law, have formulated additional language involving seven important changes to the original conference report.

First, the report will include a list of specific types of evidence that may be offered by businesses to prove that an employment practice is required by business necessity—such evidence could include testimony of individuals with knowledge of the practice.

Second, in disparate impact cases, language would be added to make abundantly clear that the complaining party must demonstrate what specific employment practice or practices are responsible for the disparate impact. The only time this would not be required is when the employer fails to maintain the necessary records, or destroys, conceals, or refuses to produce those records.

Third, a new provision would be added to clarify that this bill does not overrule existing case law involving comparable worth—some Members have expressed a need for that clarification.

Fourth, damages would not be available in mixed motive employment decisions, that is, decisions based on both nondiscriminatory and discriminatory factors.

Fifth, language would be added to further define and expand the circumstances under which a consent judgment can be challenged.

Sixth, the court have more discretion in determining how attorney's fees should be assessed in a third party's unsuccessful challenge to a court order or consent order.

And, finally, the report would provide expressly that nothing in the bill should be interpreted to even encourage an employer to adopt quotas.

In order to incorporate these beneficial changes, it is necessary to recommit this conference report back to the committee on conference. Accordingly, at the appropriate time, a motion to recommit will be offered. I am in wholehearted support of that motion, and I would urge the Members to join the bipartisan coalition that is working to craft a fair and effective Civil Rights Act of 1990.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that I may substitute for the gentleman from Pennsylvania [Mr. GOODLING] so far as the control of time is concerned.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FAWELL. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, we have come a long way on this Civil Rights Act, and I have been involved in it. This is supposed to be a debate, as I understand it, in regard to the conference report.

I am a member of the conference committee, and we did not spend a great deal of time listening to what other people had to say with reference to amendments at that time. We simply, and with all due respect I do not wish to be offensive to any

Member, we kind of gaveled things right through, and I must confess I felt my voice, though I put a lot of time and study into this matter, has not had many ears, and perhaps that is my own fault.

We still have, in regard to the bill that was reported out of conference, we still have a quota bill. Make no mistake about that. Yes, it is true that quotas are not legal, but quotas are something that employers, out of necessity, find themselves having to do to find safe harbors, so to speak. When they are charged in disparate impact cases, that is unintentional discrimination. Everyone realizes that is what we are talking about, not somebody who has purposefully discriminated. An employer theoretically, when charged with unintentional discrimination because of a certain employment practice, has the right to present a reasonable business necessity as a defense. But when the definition of business necessity is so difficult to prove, and even if proven, is subject to disregard because the complaining party is allowed to suggest a different employment practice which may result in less disparate impact—then, indeed, employers tend to seek safe harbor, that is, quotas rather than try to abide by the law.

Then, lo and behold, your employment practices, those found to be lawful, become, once again, unlawful. Now we see it, now we do not. We also have a clause in the conference bill which states that the mere existence of a statistical imbalance in an employer's work force on account of race, religion, sex, or national origin is not alone sufficient to establish a prima facie case. We say that, but then we look at the statute, and it does not require specific charges at all. It simply says, as a practical matter, statistics will indeed bring about a prima facie case.

What is an employer supposed to do? He knows he will be subject to the potential of a multimillion dollar lawsuit. There was testimony in our committee that in Brooklyn, NY, for instance, it will take 11 years before he gets a jury trial. He is going to be inundated with legal expenses and so forth. Thus, we have effectively gutted the EEOC traditional remedy of title VII of the 1964 Civil Rights Act. Yet there is nobody in this room who will say that there has ever been a Supreme Court that has to be reversed because of something it did which was inimical so far as the traditional remedies of title VII are concerned. We are simply going to change the remainder of title VII, a place of employment, labor statute, to authorize multimillion dollar tort lawsuits. If we do it here, we have to do it in many, many other labor statutes.

The only thing that was done in the conference committee was to monkey around a bit with the punitive damages cap. But there is no real punitive damages cap because the punitive damages cap in reality is double whatever the compensatory damages are, so that the pain and suffering and the mental distress, plus, also, backpay which can be as high as a recent case, $400,000, will serve as the basis for a punitive damages award. We doubled whatever the award may be for compensatory damages and backpay. That is the punitive damages cap. That is no real cap at all.

So what we did, we did nothing, really, in conference committee. Then we come back here, and then behind the scenes, no person has talked to me about it, and yet I have struggled with this law as earnestly as any Member on that side. We have now, they tell Members, a new compromise, by those who are interested in civil rights, as though I suppose someone like myself, someone like myself is not interested in civil rights because we bring up certain points which the elite of the civil rights community do not like. I think much can be said, I suppose, when we talk about this new compromise which I never saw until this morning, and I will have to react to it later. We will have more comments on that.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Speaker, I rise in strong support of the conference agreement on the Civil Rights Act of 1990. While the conferees have sent us back a bill that differs some from the one passed by the House, it is still a good bill and I believe will be very effective in addressing the real need for employment equality in this country. I am sorry to see, however, that the conferees have agreed to a cap on compensatory damages and equitable monetary relief for all employers.

I don't think many of my colleagues understand why this bill is so important to us who are racial minorities. You see, most of the Members of this body are not born with, or wake up each and every single day with an inherent, undeniable and unjustifiable strike against them: the color of their skin. Unless you go through every day of your life scrapping and fighting to defend your basic human and civil rights, then you really don't understand how important this measure is. We who are African-American or of other ethnic minorities, women, slightly older and/or have certain religious beliefs are not trying to take anything from anyone else, or deny anyone else any right or opportunity. All we want is a fair opportunity to succeed—or fail—in the workplace just like anyone else.

We need not rehash our Nation's history of racial discrimination in employment that gave rise to Federal statutes such as section 1981, passed in 1866, and title VII of the Civil Rights Act of 1964. It is clear, though, that they were passed because of the undeniable pervasiveness of job related discrimination.

Unfortunately, these laws were not able to single handedly eliminate employment discrimination. The continued occurrence of these problems is well known and equally disturbing. Race, as well as gender, religion and national origin, regrettably continue to figure into management's decisionmaking regarding hiring, promotions, lay-offs, firings and day-to-day concerns.

Such practices are absolutely intolerable. Now I ask my colleagues: What is equality worth if it only applies in theory? What are employment protections worth if they are unenforceable? What are judicial remedies worth if the path to justice is obstructed with insurmountable barriers? Absolutely nothing, but to give hope of fairness where there really is none and the charade of democratic practices where they do not actually exist.

As chairwoman of the Government Activities and Transportation Subcommittee of the Committee on Government Operations, I have concluded through our oversight investigations that for women and minorities there is only an illusion of professional and business equality. I can say unequivocally that despite all the laws passed by this body to eliminate discrimination in the workplace and to improve the economic well-being of minority business, the dreams of true opportunity for minorities and women are too often dreams deferred. Let me give you just one example. My subcommittee found after a 2-year investigation of the airline industry, for instance, that the industry continues to deny opportunities to black pilots, managers, and other professionals. Minority airline employees are disproportionately concentrated in low-wage, low-skill positions. The same is true throughout the business sector. Most minorities and women are in clerical or nonprofessional positions, a few make it to middle management, but by and large even fewer have been able to become vice presidents or to hold positions by which real decisions are made. The airline industry and the entire business community remains the bastion of white male domination.

The Supreme Court engaged in unprecedented judicial activism last year when it curtailed well-established rights and remedies under section 1981 and title VII. Previous Court decisions were haphazardly overruled and new interpretations were carelessly expounded. The net result is that the Court disregarded both the letter and the spirit of Congress' efforts, thus doing damage to the legitimate rights

of millions of Americans. I believe the Court simply made a mistake.

Today we have the opportunity to restore several essential rights and fashion a nondiscrimination ethic for American business that cannot be ignored.

To begin with, in 1866, Congress only recognized discrimination in hiring. However, it is clear today that such improprieties arise in other aspects of employment. H.R. 4000 would reverse Patterson versus McLean Credit Union on this point.

Second, in the Wards Cove case, the Court overturned its decision in the earlier Griggs case by shifting the critical burden of proof from the employer to the employee to prove that the employer has a reasonable justification for discriminating. That conclusion was incomprehensible, because only the employer has access to the employer's information on why they made their decisions. The Civil Rights Act of 1990 would restore the Griggs decision by returning the burden of proof to the employer.

Third, there is clarification of what is a business necessity for purposes of justifying a discriminatory practice. This definition is necessary so that an employer cannot arbitrarily justify actions as a business necessity when the primary motivation is a discriminatory one.

Fourth, in Lorance versus AT&T, the Court stated that the statute of limitations begins to run when a discriminatory practice is initiated. But that is patently unfair, since an individual employee is not able to keep abreast of every management decision. It may be years until that employee learns of the practice and affected by it. That should be the time when the statute of limitations begins to run, and H.R. 4000 adopts that policy.

Fifth, in Price Waterhouse versus Hopkins, the Court allows intentional discrimination where it is not the primary factor in a management decision. That conclusion was unjustifiable since even our finest psychologists have not found a way to analyze genuine priorities of thought inside the mind of a business administrator. How do we really determine whether discrimination was a primary factor? H.R. 4000 makes it clear that intentional discrimination is never acceptable, whether as a primary factor or otherwise.

Finally, to aid in enforcement, H.R. 4000 stipulates that compensatory and punitive damages, as well as attorney's fees, are available in certain appropriate situations.

To those critics who suggest that this bill goes too far, I suggest that they consider the issue from the other point of view. If they were subject to racial, gender or age discrimination in getting or maintaining a job, I believe that they would be very supportive of H.R. 4000. It is easy to oppose a measure for equality when one cannot fathom the effects of discrimination against oneself. To those critics, I ask simply that the fundamental American principles of equality and justice be upheld irrespective of the extra sheets of paper that it takes to do so.

Mr. Speaker, this measure sets for a fair and workable mechanism to protect the employment rights of all Americans. I urge my colleagues to support the conference agreement.

□ 1240

Mr. FAWELL. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the conference report and in support of the motion to recommit which will give this Congress another chance to try to fix this bill up.

Despite what the proponents of the conference report claim, this is a quota bill. It is a very subtle bill, and even though it says expressly that it is not a quota bill, the only way an employer can defend against the crushing cost of litigation to clear his name is to hire by the numbers.

The reason this is a quota bill, despite the language that has been stated by previous speakers, is that the Supreme Court decision of Wards Cove Packing Co. versus Atonio was overruled.

Now, as we remember from the original debate on this legislation, the Wards Cove Packing Co. is in the Seattle metropolitan area, which is 11 or 12 percent minority by population; 52 percent of the unskilled work force at Wards Cove were members of minority groups and only 24 percent of the skilled or managerial groups were minority groups.

Someone who was a member of a minority claimed that he was discriminated against in a promotion from an unskilled job to a skilled or a managerial job. It took almost 10 years and almost $2 million worth of legal expenses for the Wards Cove Packing Co. to clear its name and to win its case, and the Congress proposes to overrule this Supreme Court decision by this act. That is just flat out unfair; but fairness or unfairness aside, if Wards Cove is overruled, the only sure defense is to hire by the numbers, and the net effect in the case of Wards Cove is that they will bring their unskilled labor force from 52 percent minority down to 24 percent minority, because that is the only way they would be able to protect themselves against another lawsuit and to bear the burden of the tremendous litigation that is involved.

Second, the damages provision of the conference report is inadequate. The conferees allege that they placed a cap of $150,000 on punitive damages, but the punitive damages for all businesses, large or small, will be doubled the compensatory damages; so if the conpensatory damages are $1 million, the jury can add an extra $1 million in punitive damages. That makes these types of cases very lucrative for an attorney who wishes to file a lawsuit on a contingency fee basis, because the sky is the limit on how much in damages can be awarded, and most contingency fee agreements give 33⅓ to 40 percent of the total recovery to the lawyer who has brought the action.

Now, if you place yourself in the shoes of the employer, the businessman or the businesswoman and looking at this leaky cap on damages, you have to make an economic decision if you are an employer, and that is whether to fight the litigation and attempt to have a jury vindicate your employment practices, or in the alternative to settle out in order to avoid the huge litigation expenses, because defense fees are always on an hourly basis.

Most of these cases are going to be settled, even through unwillingly settled, because the economics are for settlement, rather than for litigation and vindication.

This is unfair to employers throughout the country, regardless of how many employees they happen to have.

Finally, neither the conference report nor the deal that the gentleman from New York [Mr. FISH] explained, which was cooked up behind closed doors and which I have not seen as the ranking member of the Civil Rights Subcommittee does not include the Congress under the scope and coverage of this legislation.

Once again, the Congress of the United States is going to be proposing regulations that apply to everybody in our society, including the executive branch of Government, but exempt ourselves from that type of coverage. That is morally wrong. That is reprehensible, because we should not be sitting here in this U.S. Capitol Building today saying that we are going to impose a burden on everybody in society in the hiring practices, but say that we can continue operating the last plantation.

Now, should this bill be recommitted to the committee of conference, as both supporters and opponents want it to be, I would hope that when the gentleman from Illinois [Mr. FAWELL] offers his amendment once again to include the Congress under the same rules as everybody else, that the chairman of the conference, my distinguished friend, the gentleman from California [Mr. HAWKINS] does not rule it out of order so that we can have an up or down vote on congressional coverage. That is only fair. We should start practicing what we preach.

So for all these reasons, Mr. Speaker, I would hope that this bill would be recommitted to the committee of conference, that the committee would fix it up along the lines that I have described and we could pass a true civil rights bill.

Mr. Speaker, I would like to make one final point before yielding the floor, and that is that the President has been quite plain in expressing his opposition to a bill which is either a quota bill or a litigation bonanza.

This bill can do a lot of good for a lot of people. Some of the Supreme Court decisions on employment and the application of the civil rights laws in the last 2 years, in my opinion, have gone too far; but as we reach the end of the session, a session which has become very, very acrimonious, I think the best thing we can do for people who are victims of discrimination, whether it be discrimination based on race, on sex, on national origin or on religion, is to craft a bill which is signable and to make it a true civil rights bill, rather than use this bill for political purposes as a way of putting together a political issue for the elections that are going to be held next month. A signable civil rights bill is something that we can all take credit for.

A civil rights bill that does not meet the broad parameters that President Bush has outlined of no quotas and no litigation bonanza really does not do credit for anybody, the President, the Congress, victim or employer alike.

So Mr. Speaker, I would urge the recommittal of this legislation. If recommittal fails, then I would urge opposition.

□ 1250

Mr. FAWELL. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker and Members, there is only one way to describe this process, and that is: frustrating.

You know, if you have been involved at all in this civil rights legislation, you would be well aware that one of the things we are trying to do is to penalize people for intentional actions of discrimination. I have got to tell you in all sincerity that I think there are some people involved with this legislation who ought to be penalized. They ought to be penalized for intent to embarrass the President because that seems to be the overriding goal of the process. It is not to develop a good bipartisan civil rights bill.

Everybody in this Congress is fully aware that there was a bipartisan majority for a civil rights bill. The Michel-LaFalce substitute that could have been passed by both houses with strong majorities and signed into law by the President, and it overturned all five Supreme Court cases.

What happened? Probably the most intense political pressure we have ever seen, at least on the Democratic side, was implemented in a way to obtain from Members a commitment to switch their vote and defeat the Michel-LaFalce substitute.

We then went to the conference committee, and in conference committee there was simply not going to be any serious deliberation of any of the controversial issues, with one exception, and that was the whole issue of caps on damages. Anyone who was there will remember that display vividly because some of us said, "Why deal with caps, because you are not going to put a cap on compensatory damages and back pay?"

Some people on the other side said, "We don't want caps, because we simply believe there ought to be no caps on damages."

So you had a majority of the conference from the House side which was opposed to imposing caps. So what happened? Certain Members sat at that conference and they passed, so that we could include within the conference report, a new section or a refined section on caps. Why? Because they thought that was going to be enough to get the bill passed and have enough votes to override the President's veto.

But then they figured out that was not enough. So that is why we are here this afternoon because now, point 3 in the effort to try to embarrass the President and override his veto, they have decided there are not enough votes to override the veto, so they said that we are going to take this conference report, that many of us said we have problems, that was not seriously considered in the conference committee, that was not seriously considered in the conference committee and now they want us to send it back to them.

Now, that is a good idea. I am all for that. My only plea is that if we are going to go back to conference at this late time in the session, let us commit to having a real conference, let us commit to doing what is necessary to bring this place back together again so we can bring the country back together again and we can pass a good, strong bipartisan civil rights bill that reverses all five Supreme Court cases and can be signed into law by the President.

The victims of discrimination in this country deserve nothing less from their Congress today.

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Let me just clear up one or two items. First of all, in the conference referred to, the only difference between the two Houses that were conferring on a final civil rights bill was the matter of threshold as to who would be covered, what businesses would be covered. That was the only thing that was a difference between the two Houses.

So the conference had before it a very limited, very limited issue. On that, it was the desire of some of the groups, the conferees in the other body, to remove the distinction between small and big business.

Now, personally, I did not think that it should be removed. The Senate, the conferees from the other side of the Congress, were adamant, and we eventually conceded the point and brought back a conference report that did remove that difference, which was the only thing we really had. It was really outside the scope of the conference. But in order to satisfy the opposition and in order to satisfy arguments that had been raised by the President and others and by the minority, we conceded the issue and brought back a conference report.

Now, it is interesting that the conference members who had been fighting for that provision to be removed voted against removing it, which meant that some of us who did not even like the provision, including the chairman of the conference, voted in favor to remove it, to show good faith, to show that we were not, in a sense, dealing in political chicanery.

Now it is said that that is precisely what we are trying to do, to embarrass the President. I do not know how agreeing with something that the White House has favored all the time is in some way submitting a conference report that would embarrass those who advocated that very difference.

It has been said that this is still a quota bill. Well, the fact is that the original bill overturned the Ward's Cove decision in 1989 as it operated under Duke Power up to 1989. In other words, from 1971 to 1989 we had operated under a standard that had been adopted as a result of Duke Power's decision in 1971.

Now, if quotas were in any way legalized or operative or, let us say, encouraged, why is it that in those 19 years the issue was never debated, never raised? Quotas were never named as being a culprit.

The business community, the civil rights community joined in cooperation.

Now, there has never been a scintilla of evidence presented by the opposition to this proposal to show that quotas in any way have operated in the past. They are simply speculating that if this were to be passed, that the employers, to protect themselves, might resort to quotas despite the fact that we have made it abundantly clear that quotas are illegal.

If they do so, then white males would have an opportunity to present their case, that they are being discriminated against.

So the employer would really be torn between white males saying it is discriminatory, reverse discrimination, and minorities, who obviously never resorted to quotas as a means of getting their civil rights.

Now, the argument is said that it is a lawyers bill. Nobody has indicated that lawyers are available. Lawyers in private cases under civil rights are a vanishing breed. It does not pay, there are no lawyers, with few exceptions, including my dear friend, the gentleman from Texas [Mr. WASHINGTON], who will take such cases. They know it is a difficult matter to prove, that it is expensive and that it is not something that is lucrative.

Yes, that statement has constantly been made. We are trying simply, as I say, through these arrangements that have been made, to reach a consensus, to overcome objection after objection with the result a group of Republican Senators in the other body who have gone to the White House, who have discussed this matter in the last few days, that we are even discussing the question of recommitting the bill to the conference committee.

□ 1300

Mr. Speaker, I can assure my colleagues that, as chairman of the conference committee, if the bill is rejected, I will call a meeting this afternoon, and we will address the issues that have been raised within the scope of a conference committee. We will be fair to everyone. We will listen to their arguments. We may not accept the proposed amendments. I think they have a right to be discussed, and we want every possibility of discussing the objections to this proposal.

To me, Mr. Speaker, that is being fair. It certainly is giving everybody an opportunity to express their views, and we will let the majority of the two bodies come back with what we hope will be something that is more in the line of the President's views.

Mr. Speaker, in trying to reach his views, we certainly are not trying to submit to him an embarrassing political situation. We are all politicians, we are all in the eyes of the public, and we should be willing to stand up and say whether we are really for civil rights or that we are simply speeching it and not acting it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker and my colleagues, I have several reasons why I think this is a bad piece of legislation. One of them is philosophical, and the other one is a practical one.

I listened to the gentleman from California [Mr. HAWKINS], the distinguised chairman of the Committee on Education and Labor, saying that quotas are not mandated, nor encouraged, by this bill. I think quotas are inexorably mandated and encouraged as certainly as Newton's first law of motion is true. I think it is in the nature of this legislation.

First of all, we have a system of jury trials and big dollars damages. What employer is going to run the risk of going bankrupt and maybe losing his own personal assets by not hiring according to the numbers? He is going to hire according to the statistics no matter what the legislation says. The statistics will do the hiring because he does not want to risk being drawn into court by some local attorney who sees a way to get rich on a civil right issue.

Mr. Speaker, the gentleman from California [Mr. HAWKINS] said there are not enough lawyers to do this. Lawyers will follow the money. There are lawyers coming out of our ears in this country. The gentleman from Texas [Mr. WASHINGTON] and I know that because we have had to compete with them. There are too many lawyers around. They will jump on this like the hungry man on a sandwich, so I am not worried about any dearth of lawyers.

We are going to have quotas because it is the easiest way to save a business untold difficulty by hiring according to quotas, and that is unfortunate because, if America has brought anything to this world, it is the notion that people be judged as individuals, not because of the color of their skin, not because of their ethnic heritage, but because of their own individual worth.

Now that is the ideal. We have fallen short of that ideal. My Lord, we fought a bloody Civil War because we did not adhere to that ideal, but it still is the ideal. It is the way each of us is guaranteed equal protection of the law.

We have maintained some national unity in the midst of a multilingual, a multiracial, a multiethnic society because we have conducted ourselves as a melting pot, and we judge people by their personal worth. That is the ideal.

In Canada there are people from Quebec opposed to Canada, and they have the Mohawk Indians opposed to Quebec. In Spain they have the Basques. In Ireland they have the Catholics and the Protestants in Northern Ireland. In Lebanon they have everybody shooting everybody. In the Middle East they have the Sunis and the Druz, and they have the Shiites. In the Balkans, there are the Serbs and the Croatians, the Macedonians and the Montenegrins.

Mr. Speaker, I am just halfway through the catalog of Balkanization that the world is suffering from, but America is trying to offer an example of where every person has individual rights, not group rights.

I am sorry to say that I think this bill is not an effort to say that everyone is equal. Unfortunately, some are more equal than others depending on the statistics, and I think that is a step back for America.

We cannot solve discrimination, which I concede exists, by imposing further discrimination.

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Speaker, it strikes me, and the point of the gentleman from Illinois [Mr. HYDE] is very well taken, and it occurs to me, and I agree with him, that, if we follow that to the end, is there a way of writing language that would prevent an employer from going to a quota system in self-defense? Does the gentleman think, other than putting a criminal provision in that which says, "If you hire by quotas, you go to prison," is there any way to do that, I ask the gentleman from Illinois?

Mr. HYDE. No, I would not want to do that. I would not want people to hire by quotas, and I would like some way to avoid the jury verdicts because that is what terrorizes the employer. He is not going to take a chance. He may be right, but proving it in court is another matter, and I just think this is a step backward, and I think it will discriminate against people who are not protected by the statistics.

Mr. FAWELL. Mr. Speaker, I yield myself an additional 4 minutes.

Mr. Speaker, first thing I do want to point out is that I did at least have a short conversation with Senator HATCH in reference to a compromise, and I was able to at least get some language of this compromise. Whether it is what we have here or not, I am not sure. But Senator HATCH said it very, very clear, that he had talked to the White House, they renounced it and that he himself was no longer supporting it.

So, Mr. Speaker, I think that will be clarified when the conference committee gets together, if indeed the conference committee had any jurisdictional right to determine anything other than what the instructions are in reference to a motion for a committal that I think will be following.

As my colleagues know, the problem of this bill, I think every one of us will agree, is that it is so very very arcane, and people will say that all of us attorneys just confuse the matter a great deal. Tom Sowell, who is a very fine columinst, said, as a practical matter, the way to explain quotas as to point out that the side that is able to build up the burden of proof to such a high degree that the employer; or it may be the other way around, but in this case

employer, cannot possibly win, considering the potential lawsuits that will be brought against him and the burden of proof in regard to proving reasonable business necessity. Reasonable business necessity is what Griggs basically talked about. Look, if it is a reasonable business necessity, then the discrimination, which is unintentional, is not actionable. That was law the courts created, by the way, by case law. It was not something the Congress did back in 1964. It was something the court did.

Mr. Speaker, nobody has any quarrel with Griggs. What we have a quarrel with is all the pundits who have different views as to what Griggs actually does say. I would say, "Look carefully at the burdens of proof. We're willing to say the employer has the burden of proof in regard to proving the business necessity defense. We are saying though, 'My gosh, the guy who comes in and alleges an employment wrong, he ought to specifically charge the employment practices, identify the employment practices specifically, so that the employee will know what the heck he has done wrong—what he's defending against.'"

Mr. Speaker, I do not see anything wrong with something like that, and the bill in its present form does let the plaintiff off the hook, allowing him to come in, as I read it, and not specify the employment practices of the employer which allegedly causes their unintentional employee discrimination. I think most attorneys who are in the civil rights field construe it that way. Well, then the employer has to show business necessity without knowing which employment practices caused the alleged discrimination, and look at the definitions of business necessity that are in section 4.

□ 1310

I mean they do not just simply say, "Hey, the employment practice complained of should be reasonably related to a business requirement." That is common sense, but common sense does not prevail in this bill.

They have all kinds of definitions of what constitutes "business necessity" things. They started with "essential to effective job performance" as a definition for "business necessity". Even the school system from Los Angeles said, "My God, with a definition like that, the employer couldn't even require a diploma as a part of the hiring process of employees". What kind of a signal are we giving to the children of this nation when we have that kind of a definition of what constitutes reasonable standards for hiring employees?

We could not get a change of that definition through the Committee on Education and Labor, though. They would not change that. That had to be done by the higher moguls of greater importance and these drifters around the corridors who decide "Well, maybe we should have some changes here," and so on, and so forth.

Well, they have come up with new changes—"significant relationship to successful job performance." All I can say is that the psychologists who have a great deal to do with determining reasonable business standards are telling us that these are impossible standards that cannot be validated.

I have already talked about another provision which basically states, "Oh, by the way, if the complaining party shows that there are other employment practices in regard to which there will be less disparate impact, that is then the business standard you have to adopt"—even though it might cost you another million dollars, I guess.

And look at that new tort, that 2-year statute of limitations, with punitive and compensatory damages. Think of just what it will cost new premiums to have the insurance companies assume the burden to defend all the employers of America.

I wish we could have more time. I see the gentleman from Texas [Mr. WASHINGTON] there. We have discussed this until we are out of words on it. But I hope we will have a conference that will look at the LaFalce amendment and give it real credibility. Let us not drop it in the ash can. Maybe we can come up with something that is perhaps decent.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very shortly the minority leader will offer a motion to recommit, with the hope that the conferees can move closer to the Michel-LaFalce stance so we can have a strong piece of legislation that the President will sign.

We are going to hear something about the so-called Hatch compromise which the gentleman from the other body, I believe, has disassociated himself from and has distanced himself from, and, therefore, it will also probably be out of the scope of the conference. I would think it would have to be. So at a later moment we will have a motion made by the minority leader to recommit.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore (Mr. MFUME). The Chair will advise the Members that the gentleman from Illinois [Mr. FAWELL] has 4 minutes remaining, the gentleman from California [Mr. HAWKINS] has 30 seconds remaining, and the gentleman from Texas [Mr. BROOKS] has 4½ minutes remaining.

Mr. BROOKS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. LAFALCE].

Mr. Speaker, I will support the motion to recommit in the hopes that we will be able to get together and work out a compromise that will obtain the signature of President Bush and be something that every Member of this body can be proud of.

It is ironic, though, what has taken place. One of the arguments I was making before was that if we came in with a bill that differed from the Senate's version, then we would have something to go to conference about, but if we came in with virtually the identical bill, there would be almost nothing to confer about. That is what happened, and as a result the conference had nothing to confer about other than the cap on punitive damages.

The conference report came out, and now we are going back to conference. The issues we will confer about, hopefully, have not been decided in advance. They include some of the provisions I had deep trouble with.

One of those issues was cases involving mixed motives. I argued in August that it is crazy to say that a person, even if unqualified for a position, is still eligible for full damages. Certainly we should reverse Justice Brennan's decision, but let us be careful how we do it. I am not sure about the proposed change, but at least it realizes the absurdity of what we were going to do on that mixed motive provision.

This motion will also allow us to contemplate doing something about the burden of proof that the plaintiff has with respect to the specificity of the alleged discriminatory practices.

In short, Mr. Speaker, let us go back to conference. Let us have all the issues on the table that are necessary to produce, first, a good bill, and, second, the signature of the President.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. Speaker, I rise in strong opposition to this bill as it has come out of the conference committee.

I wish to make several comments that my colleagues need to understand as they vote on final passage of this bill. I also rise in support of the Michel motion to recommit.

First, there is no compromise here. In fact, the bill, as it has come back from conference, is identical to the way it had been pushed through the House and in all committees in its original form. The bill contains two egregious errors that in fact reverse 25 years of civil rights progress in this country. The first is by introducing and requiring in fact quotas as the only remedy that would be available to employers, and the second is to provide for virtually unlimited damages

and to make this a lawyers' relief act rather than a civil rights act.

Let me take those two issues individually. First, in the area of damages, while this legislation purports to place some kind of a cap on damages, I want to note that the cap relates to all employers, large and small. I would note that the so-called cap on damages is at $150,000 of punitive damages regardless of the size of the employer or the size of the offense, in addition to all damages that might be awarded in the category of compensatory damages.

The fact is that means there is no cap at all. It is still in effect lowering the boom and putting the employer out of business regardless of the size of the employer or the nature of the offense.

Compensatory damages are not capped at all. Thus pain and suffering, humiliation on the job, loss of conjugal relations, and other kinds of so-called compensation can in fact be put into the bill in an uncapped way.

So nothing would prevent a jury from coming up with a very large total award and then dividing that award between compensatory damages and punitive damages. The threat to small businesses would still exist in the sense of this lawyers' relief act, with contingency fee lawsuits that would be held over employers to put them out of business for any violation

Second, quotas still exist. There has been no compromise. The bill permits a plaintiff to specify only the group of practices which results in the disparate impact, so that a defendant must then attempt to identify which individual practices may be under question here.

Business necessity in the case of employment practices is defined in the bill opposite to the way it has been defined in the Griggs case. It is defined as a "significant relationship to the successful performance of the job," and in the case of nonselective practices, as "bearing a significant relationship to a significant business objective of the employer."

Now, Mr. Speaker, had the proponents of this bill wished to reinstate law prior to Ward's Cove, they could have done it by adopting the Griggs defintion of "manifestly related to the employment in question." It would have been easy and simple to do that, but neither the conference nor the House in its original consideration choose to do it.

So, Mr. Speaker, I ask the Members to vote against the bill. It is a dangerous bill. It is a lawyers' relief act.

□ 1320

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, what we are about to do in terms of what people do in diving is called a reverse twist gainer with a swan.

I agree with the gentleman from Wisconsin [Mr. SENSENBRENNER]. We ought to stop letting people who get paid to lobby come down here and tell us how to write legislation. We ought to write legislation for ourselves. There are not 10 Members here who know what is going to happen, what is about to happen, but I know what is about to happen. We are about to fall back in the name of retreat.

Mr. Speaker, if we are going to go back to conference for the purpose of getting a bill that the President will sign, let us find out what the President's position is. The President has not even gotten on, while we continue to guess at what his position is. Let us pass a bill that we can pass, send it over there, and see what his response to it is. But to go back to conference and yo-yo ourselves is nothing but mental gymnastics.

Mr. FAWELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, today I rise in opposition to the conference report on H.R. 4000.

I would like to take a few minutes to shed light on two of the real world effects of this bill—effects that would have a damaging impact on both employees and employers if this legislation is passed.

First, the bill voted out of conference goes past key case law and creates a third prong of disparate impact analysis. Quite simply, the new paragraph provides that even where an employer demonstrates that a practice—or group of practices—is justified by business necessity, the practice, or group of practices, is nonetheless unlawful, "where a complaining party demonstrates that a different employment practice or group of employment practices with less disparate impact would serve the respondent as well."

This provision clearly sets a standard of compliance above that of the case law even as it existed prior to Wards Cove.

This will require the employer to search the universe for a remedy and even if the employer does so and misses just one practice which a plaintiff identifies, a violation has per se occurred, no ifs, ands, or buts about it.

Of course, the existence of such an alternative, as the Supreme Court has said, is evidence of a pretext for discrimination, but it should not be conclusive regardless of any other factors. This requirement puts employers in an impossible position and would be one more factor leading to quota hiring to avoid lawsuits through statistical imbalances in the work force.

My second point is that this bill applies a $150,000 cap to all businesses that are required to pay punitive damages. While no company, no matter what their size, should be allowed to discriminate against their employees, this provision has a problem because the cap is no cap at all.

This bill says the business would pay up to $150,000 or compensatory damages plus backpay, whatever is higher.

The employer would still pay compensatory damages plus backpay if these were over the $150,000. This is no ceiling at all, as compensatory damages—which include pain and suffering, can be very high and backpay awards can be considerable.

For example, in Price Waterhouse, the plaintiff won $371,175 in backpay alone. In a case under section 1981, Rowlett versus Anheuser, which was cited with favor by the majority Education and Labor Committee report, the plaintiff won $123,000 in compensatory damages and $176,000 in backpay. In this case, the plaintiff was also awarded $300,000 for punitive damages. This is much more than $150,000.

Mr. Speaker, as a member of the conference committee, I want my colleagues to know that this bill has not improved since our last vote. I urge my colleagues to vote "no" on the conference report.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I rise in support of the conference report on S. 2104, the Civil Rights Act of 1990.

As a member of the House Education and Labor Committee where hearings on this issue were held, I had the opportunity to listen to disturbing testimony about discriminatory actions which continue to occur in the American workplace.

I feel very strongly that the civil rights measure we are considering today is needed to provide key protections against discrimination in the work force.

After decades of progress, recent Supreme Court decisions have begun to erode our Nation's gains in the area of civil rights.

For example, in the 1971 Griggs versus Duke Power Co., the Supreme Court rule that employment practices that have a disparate impact on women and minorities are prohibited by title VII, unless the employer can present convincing evidence that the practice is required by business necessity.

Unfortunately, in June 1989, the Supreme Court handed down the Wards Cove decision which shifted the burden of proof on the business necessity question from the employer to the worker. This change places a heavy and unfair burden on the plaintiff.

Another important provision of the legislation we are considering today is the coverage it extends to victims of sexual, religious, or ethnic harassment.

The measure amends title VII to grant victims of intentional discrimination the right to recover compensatory damages and, in some cases, punitive damages as well.

The bill restores equity to our present system by making the same remedies available for sexual, religious, and ethnic discrimination claims

that are now available for racial discrimination.

Mr. Speaker, I have been involved in efforts to build a fairer and more just society for many years. I urge my colleagues to help us continue the progress we have made by voting to approve the conference report on S. 2104, the Civil Rights Act of 1990.

Ms. SCHNEIDER. Mr. Speaker, I rise today to voice my support for the motion to recommit the conference report on the Civil Rights Act of 1990. This vital piece of legislation declares our determination to eliminate the vestiges of discrimination based on race, religion, sex, or ethnic origin that remain in the workplace. I think, however, that certain important clarifications need to be made in order to allay any lingering fears.

Particularly at this time of stirring changes in Eastern Europe and daunting challenges in the Persian Gulf, it is important that the United States reinforce its continuing commitment to human rights abroad with strong measures to protect individual dignity and equal opportunity here at home. This Civil Rights Act reaffirms this commitment and restores the equitable balance between employee rights and business necessity that has been confused through a series of Supreme Court decisions in 1989.

Make no mistake, this is not a quota bill. It forthrightly rejects the notion of quotas and protects against their unintended implementation. The conference report explicitly stipulates, "Nothing in the amendments made by this act shall be construed to require an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex, or national origin." Furthermore, the report discourages surreptitious hiring quotas and predatory, multi-million-dollar lawsuits. It clearly states, "the mere existence of a statistical imbalance in an employer's work force on account of race, color, religion, sex, or national origin is not alone sufficient to establish a prima facie case of disparate impact violation."

The admissability of punitive damages in some title VII cases is an important asset of this act that underlines the unacceptability of intentional or malicious discrimination. Women and the disabled would finally be able to enjoy the same rights already enjoyed by racial minorities under a different section of the United States Code. At the same time, this provision requires a substantive burden of proof of plaintiffs and the cap on punitive damages offers businesses a significant safeguard against extravagant lawsuits.

The conference report on Civil Rights Act of 1990 provides important legislative support to the fight against discrimination in the workplace. Let's just make sure its provisions are clear so that the false spectre of frivolous lawsuits and mystic quotas do not obscure its true meaning. I urge you to support the motion to recommit.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the conference report on S. 2104, the Civil Rights Act of 1990. This act makes significant improvements in our efforts to end discrimination and improve employment opportunities for all Americans.

Mr. Speaker, it is clear that Congress must take an active role, indeed a leadership role, to end racial, religious, ethnic and gender prejudice.

Discrimination impairs our Nation's ability to guarantee to all citizens the fairness envisioned in the Constitution.

Discrimination handicaps our Nation in the global marketplace by depriving our work force of some of its most valuable members.

Discrimination sentences women, ethnic, racial, and religious minorities to second class citizenship because of unequal access to job opportunities.

In its current form, the conference report on the Civil Rights Act of 1990 is a carefully reasoned measure which meets the criticisms of its detractors. I urge my colleagues to support the conference report on the Civil Rights Act of 1990 so that Congress can send a clear message that discrimination, in any of its invidious forms, will be in violation of the spirit and the letter of the law.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support for the conference report on the Civil Rights Act of 1990. By passing this conference today, we will renew the commitment of Congress to the employment protections adopted in title VII of the Civil Rights Act of 1964. In fact, Mr. Speaker, we will reaffirm the original intent of the Civil Rights Act of 1964.

I am especially supportive of the Civil Rights Act because of its provisions to guarantee protection in cases of sex discrimination. We must always remember, sex discrimination knows no boundaries. It crosses racial distinctions. White women are not immune. Black women are not spared. Asian women know it well. Put simply, women deserve the same protection from sexism, as they do from racism.

In recent years, we have seen the protections guaranteed in the original Civil Rights Act erode before our very eyes. Basic battles for social justice we thought we won years ago, have been weakened and, in some cases, even reversed.

Today we have the opportunity to set America back on a course of respect and protection of basic civil rights for all of its citizens. Today we must pass the conference report on the Civil Rights Act of 1990.

The SPEAKER pro tempore (Mr. MFUME). All time for the gentleman from Texas [Mr. BROOKS] has expired.

Mr. FAWELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves that the managers on the part of the House, at the conference on the disagreeing votes between the two Houses on the bill S. 2104 be instructed to report back a bill which includes language making it clear that businessmen/women would not have to adopt artificial hiring and promotion quotas to comply with civil rights laws; language reducing the need for further burdening the judicial system as well as language which lessens the prospect for huge damage awards.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WASHINGTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 375, nays 45, not voting 13, as follows:

[Roll No. 445]

YEAS—375

Ackerman	DeLay	Hochbrueckner
Alexander	Derrick	Holloway
Anderson	DeWine	Hopkins
Andrews	Dickinson	Horton
Annunzio	Dicks	Houghton
Anthony	Dixon	Hoyer
Applegate	Donnelly	Hubbard
Armey	Dorgan (ND)	Huckaby
Aspin	Dornan (CA)	Hughes
Atkins	Douglas	Hunter
Baker	Downey	Hutto
Ballenger	Dreier	Hyde
Barnard	Duncan	Inhofe
Bartlett	Dwyer	Ireland
Barton	Dyson	Jacobs
Bateman	Early	James
Bates	Eckart	Jenkins
Beilenson	Edwards (CA)	Johnson (CT)
Bennett	Edwards (OK)	Johnson (SD)
Bentley	Emerson	Johnston
Bereuter	Engel	Jones (GA)
Berman	English	Jones (NC)
Bevill	Erdreich	Jontz
Bilbray	Evans	Kanjorski
Bilirakis	Fascell	Kaptur
Bliley	Fawell	Kasich
Boehlert	Fazio	Kastenmeier
Bonior	Feighan	Kennelly
Borski	Fields	Kleczka
Bosco	Fish	Kolbe
Boucher	Flippo	Kolter
Boxer	Ford (MI)	Kostmayer
Brennan	Frank	Kyl
Brooks	Frost	LaFalce
Broomfield	Gallegly	Lagomarsino
Browder	Gallo	Lancaster
Brown (CA)	Gaydos	Lantos
Brown (CO)	Gekas	Laughlin
Bruce	Gephardt	Leach (IA)
Buechner	Geren	Leath (TX)
Bunning	Gillmor	Lehman (CA)
Burton	Gilman	Lent
Bustamante	Gingrich	Levin (MI)
Byron	Glickman	Levine (CA)
Callahan	Goodling	Lewis (CA)
Campbell (CA)	Gordon	Lewis (FL)
Campbell (CO)	Goss	Lightfoot
Cardin	Gradison	Lipinski
Carper	Grandy	Livingston
Carr	Grant	Lloyd
Chandler	Gray	Long
Chapman	Green	Lowery (CA)
Clarke	Guarini	Lowey (NY)
Clement	Gunderson	Machtley
Clinger	Hall (OH)	Madigan
Coble	Hall (TX)	Manton
Coleman (MO)	Hamilton	Markey
Combest	Hammerschmidt	Marlenee
Condit	Hancock	Martin (IL)
Conte	Hansen	Martin (NY)
Cooper	Hastert	Matsui
Costello	Hatcher	Mavroules
Coughlin	Hawkins	Mazzoli
Courter	Hayes (LA)	McCandless
Cox	Hefley	McCloskey
Craig	Hefner	McCollum
Dannemeyer	Henry	McCrery
Darden	Herger	McCurdy
Davis	Hertel	McDade
de la Garza	Hiler	McEwen
DeFazio	Hoagland	McGrath

McHugh	Ray	Snowe
McMillan (NC)	Regula	Solarz
McMillen (MD)	Rhodes	Solomon
McNulty	Richardson	Spence
Meyers	Ridge	Spratt
Michel	Rinaldo	Staggers
Miller (OH)	Ritter	Stallings
Miller (WA)	Roberts	Stangeland
Mineta	Robinson	Stearns
Mink	Roe	Stenholm
Moakley	Rogers	Studds
Molinari	Rohrabacher	Stump
Montgomery	Ros-Lehtinen	Sundquist
Moorhead	Rose	Swift
Morella	Rostenkowski	Synar
Morrison (WA)	Roth	Tallon
Mrazek	Roukema	Tanner
Murphy	Rowland (GA)	Tauke
Murtha	Russo	Tauzin
Myers	Sabo	Taylor
Nagle	Saiki	Thomas (CA)
Natcher	Sangmeister	Thomas (GA)
Neal (MA)	Sarpalius	Thomas (WY)
Neal (NC)	Sawyer	Torres
Nelson	Saxton	Torricelli
Nielson	Schaefer	Traficant
Nowak	Scheuer	Traxler
Oakar	Schiff	Udall
Oberstar	Schneider	Unsoeld
Obey	Schulze	Upton
Olin	Schumer	Valentine
Ortiz	Sensenbrenner	Vander Jagt
Owens (NY)	Sharp	Vento
Owens (UT)	Shaw	Visclosky
Oxley	Shays	Volkmer
Packard	Shumway	Vucanovich
Panetta	Shuster	Walgren
Parker	Sikorski	Walker
Pashayan	Sisisky	Walsh
Patterson	Skaggs	Watkins
Paxon	Skeen	Waxman
Payne (VA)	Slattery	Weber
Pease	Slaughter (NY)	Weldon
Pelosi	Slaughter (VA)	Whittaker
Penny	Smith (FL)	Whitten
Petri	Smith (IA)	Williams
Pickett	Smith (NE)	Wise
Pickle	Smith (NJ)	Wolf
Porter	Smith (TX)	Wolpe
Poshard	Smith (VT)	Wyden
Price	Smith, Denny (OR)	Wylie
Pursell	Smith, Robert (NH)	Yatron
Quillen	Smith, Robert (OR)	Young (AK)
Rahall		Young (FL)
Ravenel		

NAYS—45

AuCoin	Ford (TN)	Pallone
Bryant	Gejdenson	Payne (NJ)
Clay	Gibbons	Perkins
Coleman (TX)	Gonzalez	Rangel
Collins	Hayes (IL)	Roybal
Conyers	Kennedy	Savage
Coyne	Kildee	Schroeder
Crockett	Lehman (FL)	Serrano
Dellums	Lewis (GA)	Stark
Dingell	Luken, Thomas	Stokes
Durbin	Martinez	Towns
Dymally	McDermott	Washington
Espy	Mfume	Weiss
Flake	Miller (CA)	Wheat
Foglietta	Moody	Yates

NOT VOTING—13

Archer	Lukens, Donald	Schuette
Boggs	Mollohan	Skelton
Crane	Morrison (CT)	Wilson
Frenzel	Parris	
Harris	Rowland (CT)	

□ 1347

Messrs. TOWNS, DYMALLY, STARK, KENNEDY, and HAYES of Illinois changed their votes from "yea" to "nay."

Messrs. McCANDLESS, WYDEN, SYNAR, NELSON of Florida, and QUILLEN changed their votes from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the conference report on the Senate bill, S. 2104 just considered.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1350

ARTS, HUMANITIES, AND MUSEUMS AMENDMENTS OF 1990

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 494

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4825) to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the amendments printed in the report of the Committee on Rules, said amendments shall be considered in the order and manner specified in the report and may only be offered by the Member specified in the report. Said amendments shall be considered as having been read and shall be debatable for the time specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. All points of order are hereby waived against the amendments printed in the report. It shall be in order to consider the amendments offered by Representative Crane of Illinois en bloc, and said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. It shall be in order to consider the amendments offered by Representative Rohrabacher of California en bloc, and said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HERTEL). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes for purposes of debate only to the gentleman from California [Mr. PASHAYAN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 494 is the rule providing for consideration of H.R. 4825, the Arts, Humanities, and Museums Amendments of 1990. This is a modified closed rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor.

The rule makes in order only the five amendments printed in the report accompanying this rule, each of which shall be offered in a specified order and debated for a specified period of time. Those amendments, in order, are:

By Representative CRANE, en bloc amendments to abolish the National Endowment for the Arts; debatable for 30 minutes;

By Representative ROHRABACHER, en bloc amendments to prohibit NEA funding for a number of specific activities or projects and to restructure a number of NEA procedures, including the procedures for granting awards; debatable for 30 minutes;

By Representative WILLIAMS of Montana or Representative COLEMAN of Missouri, a compromise substitute to the bill that would prohibit NEA funding of obscene works and make changes in the NEA grant process; debatable for 1 hour;

By Representative GRANDY, to require an NEA grant recipient whose work is found to be obscene to repay the award before being eligible to reapply to the NEA; debatable for 20 minutes; and

By Representative TRAFICANT, to express the sense of Congress that NEA grantees should purchase American-made equipment and products in creating federally supported works; debatable for 10 minutes.

The Crane and Rohrabacher amendments, and the Williams-Coleman substitute, are made in order to the original bill. The Grandy and Traficant amendments are made in order to the Williams-Coleman substitute or to the original bill if the substitute fails.

The rule waives all points of order against the bill, and against all amendments made in order under this rule.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4825, the bill for which the Rules Committee has recommended this rule, would authorize the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services for fiscal years 1991 through 1995. The bill as reported does not include any content restrictions for NEA grants.

The rule before us, however, will allow the House to decide whether or not to include any such restrictions and, if so, what those restrictions should be. Although the rule does limit the amendments that may be offered, it is designed to give the House the opportunity to fully debate this highly controversial topic and to consider a full range of options for changing Federal policy on funding the arts.

Mr. Speaker, I urge the adoption of House Resolution 474, so that the House can proceed to consideration of H.R. 4825.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 494 is a modified rule under which the House shall consider legislation to resolve a tempestuous controversy over federally funded art.

The rule before us provides for the consideration of the bill, H.R. 4825, a straight 5-year reauthorization of the National Endowment for the Arts, the National Endowment of the Humanities, and the Institute of Museum Services.

These 3 Federal agencies provide financial resources for over 200 Government programs that support the arts, the humanities, and museums. For nearly 2 years now, the work of one of these three small agencies, the NEA, has engendered a rancorous debate over art and obscenity.

Mr. Speaker, the rule before us provides for an orderly and fair amendment process, and gives the House the best opportunity to bring some common sense to what has become a chaotic situation.

When this Nation's citizens are scandalized by the fact that their Federal Government has helped to finance the showing of various works, as well as the works themselves, that are perilously close to the legal definition of obscenity, it is time for Congress to act.

When this Nation's religious and moral values are subject to the kind of ridicule and effrontery evidenced by obscenity, it is time for Congress to act.

I daresay that the Congressional Arts Caucus would not even think of displaying the works under question here upon the walls of the tunnel leading from the Cannon Building to the Capitol.

The Members would be scandalized, and deservedly so.

The rule before us provides the House with the opportunity to enact a remedy.

The rule provides 1 hour of debate, and it waives all points of order against consideration of the bill.

The rule makes in order a series of amendments dealing with NEA and the art or its display that it helps to pay for.

The rule specifies the five amendments the House shall consider, and structures the debate on these amendments so that it will be orderly and will protect the right of Members to vote upon the choices offered in the amendments.

Mr. Speaker, the Committee on Education and Labor reported the bill made in order by the rule late last June. The bill itself is a straight 5-year reauthorization of three Federal agencies. The Committee on Education and Labor was unable to resolve the controversy over what some Members would call obscene pictures, so these issues landed in the lap of the Committee on Rules.

By late August, Mr. Speaker, the Committee on Rules had received 26 requests for amendments to the reported bill.

The chairman of the Education and Labor Subcommittee on Postsecondary Education, the gentleman from Montana [Mr. WILLIAMS], and the ranking Republican member of that subcommittee, the gentleman from Missouri [Mr. COLEMAN], worked throughout the summer and early fall to bring various Members together in support of a comprehensive set of changes that would stand some chance of actually becoming law.

Mr. Speaker, the two gentlemen have consistently said they believed that the House should have the opportunity to debate and decide whether language restricting the award of NEA grants to artists should be included in the reauthorization legislation.

The rule provides three elementary choices for the Members. First, shall the Congress abolish the NEA outright?

The gentleman from Illinois [Mr. CRANE] believes, as many Members do, that the Federal Government simply has no business funding any art whatsoever. Under the rule the House will vote on the amendment to be offered by the gentleman from Illinois [Mr. CRANE], following 30 minutes of debate.

Second, shall the Congress enact an extremely strict set of standards on funding for NEA grants?

Mr. Speaker, the rule provides this choice in the form of amendments to be offered en bloc by the gentleman from California [Mr. ROHRABACHER].

The Rohrabacher amendments, which are not subject to a demand for a division in the House or in the Committee of the Whole, are five pages in length and are available for Members in the report filed by the Committee on Rules.

Without describing in detail the Rohrabacher amendments, let me just say it prohibits Federal funds for art that is obscene or that depicts various sexual activities, or that denigrates religious beliefs; or that promotes minors to engage in sexually explicit conduct, specifying in precise terms the acts that shall not be depicted; or that promotes matter in which the flag of the United States is mutilated, defaced, defiled, burned, or trampled upon.

Mr. Speaker, the gentleman from California is very sincere in his belief that the American people do not want Federal tax dollars to be spent for works of the kind contained in his amendment. The gentleman from California will have 30 minutes of debate on his amendments.

The third choice given the House by this rule is the bipartisan substitute to be offered by the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Missouri [Mr. COLEMAN].

I strongly support this subsitute and I urge Members to consider, during the debate we are about to enter into, that the substitute includes strong language regarding accountability to the public in the use of public funds to support the arts.

Mr. Speaker, the Williams-Coleman substitute is supported by the gentleman from Michigan [Mr. HENRY] and most, if not all, of the Members who have been engaged in resolving this highly charged controversy.

The Williams-Coleman substitute makes it clear that public funds for the arts must be granted in such a way as to take into consideration the general standards of decency and respect that the American people hold for the rights of each other, and the beliefs and values of each other.

The Williams-Coleman substitute clearly states that obscenity is by definition not art for the purposes of Federal funding, is not protected speech, and that obscenity absolutely cannot and will not be funded by NEA.

The definition contained in the Williams-Coleman substitute is based upon the test of obscenity decided by the Supreme Court in Miller versus California.

Mr. Speaker, the rule provides for 1 hour of debate on the Williams-Coleman substitute. There will be ample time for debate on the substitute, and ample time for Members to decide whether they prefer it over Mr. ROHRABACHER's proposal.

In addition, Mr. Speaker, the rule provides 20 minutes of debate on an amendment to be offered by the gentleman from Iowa [Mr. GRANDY], who wants to tighten the Williams-Coleman substitute regarding repayment of awards.

The rule also provides 10 minutes of debate on an amendment to be offered by the gentleman from Ohio [Mr. TRAFICANT] stating the sense of Congress that NEA should require its grantees to purchase American-made equipment and products.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the rule is fair to all sides involved in the debate over obscenity in art supported by NEA.

In my personal opinion, the restrictions on Federal funds for the NEA art contained in the Williams-Coleman substitute have little to do with censorship. No one is censoring anything. Artists have the unfettered right, under the first amendment, freely to express themselves.

My understanding of the Williams-Coleman substitute is that the Government, through enactment of this proposal, simply has the right to say "We shall not pay for it, if it is obscene."

□ 1400

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. PASHAYAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. I thank the gentleman for yielding.

Mr. Speaker, today is the culmination of a year-long fight over whether the Federal Government will continue to subsidize art through the National Endowment for the Arts. We will then decide whether Congress will set standards so that the Federal Government is at least not subsidizing obscenity, child pornography, attacks on religion, desecration of the American flag, and any of the other outrages that we have seen in the past.

Mr. Speaker, this rule is not what I would have preferred. When I testified before the Rules Committee I asked for an open rule. This is not an open rule. I then asked the Rules Committee, if they would at least allow all proposed amendments to be offered—not be to the disadvantage my amendment through a "king of the hill" procedure. I was not successful on this request, either.

But, although the rule is not what I wanted, I do not oppose this rule. I do not oppose it, because it gives the House the opportunity to vote for meaningful standards for the spending of tax dollars on art, even though this rule requires two votes—two votes to accomplish this end of putting in place meaningful and effective standards.

Mr. Speaker, the Rules Committee has boiled the NEA issue down to three key votes. First, there will be a vote on the Crane amendment to abolish the NEA entirely.

Second, there will be a vote on my amendment to establish not extreme but some commonsense standards for NEA funding. Finally, the bottom-line vote will be on the Williams-Coleman substitute which will, if passed, wipe out all the restrictions that my amendment places on NEA funding. If this substitute passes, it will not matter if my amendment is adopted unanimously. The substitute will eliminate its substance.

The public has been alerted, and the constituents are watching. They know the vote on the gut-the-standard Williams substitute is the key vote.

Every Member of this body has a choice to make. Should there be standards on the spending of Federal dollars concerning the arts? Or should the National Endowment for the Arts be completely unrestricted in doling out our tax dollars to whomever they choose. The Rules Committee has left no middle ground. The debate over the past year has made it clear that our constituents do not want their tax dollars to be wasted on projects that they find morally reprehensible. And they will be watching, and they will know that there is only one way to make the NEA responsible, and that is to vote "yes" on the Rohrabacher amendment and "no" on the Williams-Coleman substitute which would gut the standards. They will not tolerate the goal of anyone voting for my amendment to set standards and then voting to wipe out those standards with the very next vote.

Mr. Speaker, I would call on my colleagues to vote for meaningful standards, to listen to their constituents, to vote for my amendment to set standards and then to eliminate and vote against the gut-the-standards substitute offered by the gentlemen, Messrs. WILLIAMS and COLEMAN.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate Mr. WILLIAMS and Mr. COLEMAN for their substitute and for the hard work that they have done in bringing the NEA authorization bill to the floor.

One question we should all ask ourselves is why are we here, with all of the other great issues of state before us? Does it not seem strange that this particular issue should draw fire and such fury?

I have a theory, and it is only mine, but I will offer it to you.

I believe that the far right, when they lost the Communist boggeyman, had to search long and hard for a new enemy. Mapplethorpe and Serrano appeared just in the nick of time. They could find the new enemy in the artists of the waning years of the 20th century. Their new enemy could be the National Endowment for the Arts and the work that the Endowment has done.

How convenient. We could offer a variety of mistruths, present them as the whole truth and get our constituents inflamed with the idea that the NEA is busy worrying about pornography, obscenity and sacrilege.

What nonsense, what tripe; 85,000 grants since 1965 to artists, to traveling orchestras, to men and women of sensitivity and creativity. Artists often tell us the truth about ourselves, and that is a very painful business. And they do it, often, in provocative ways that offend sensibilities. And we are going to hear about that today, I am sure. But the one thing that artists do for us is tell us the truth and force us to look a little deeper at ourselves as a people in terms of our values.

Does the Federal Government have a role to play in this? I think it does. I think the Federal Government has a small role to play in making America more creative, more beautiful and more sensitive, and that is what the NEA has done through its long history.

Now, unfortunately, we are not going to be able to talk about all of the traveling orchestras, we are not going to be able to examine in detail the Pulitzer Prize winners who got their start because of the NEA. But we will hear about the provocative works, some of it garbage, and it will masquerade itself for all of the other good things. That indeed is a tragedy.

But I urge my colleagues today to recognize the work that Mr. WILLIAMS and Mr. COLEMAN have done and to support it, to recongize that some restrictions are politically necessary and the ones that they have drafted are appropriate, but nothing else is.

This is a good organization with a brilliant director. It is a proud agency of the Federal Government, and you should be excited at the idea that it is something that has existed for 25 years.

Mr. PASHAYAN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Speaker, I rise on behalf of the rule and of this bill to reauthorize funding of the National Endowments. I think it is important, as we begin this debate, to reflect a moment on what set it off.

One of the primary claims that set off this whole fight was the assertion that the Mapplethorpe exhibit, which the NEA had funded, was obscene.

□ 1420

Mr. Speaker, as everyone in this House is well aware, in one of the more conservative parts of this country, Cincinnati, we have just had an extended trial on that issue. The jury in that trial saw the pictures which offended some Members of this House, they heard the testimony, and, after a long trial, in 2 hours they found those pictures not obscene.

Mr. Speaker, it is obvious that that jury verdict has shocked the legs totally out from under the case of those who would seek to gut the National Endowment for the Arts.

Mr. Speaker, I urge all of my colleagues to support this rule, to support the Endowment, and vote for the bill.

Mr. PASHAYAN. Mr. Speaker, I yield 15 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, I want to talk about the rule, which I support, but I want to talk about the proposition that we will be facing this afternoon in this debate on the National Endowment for the Arts and the National Endowment for the Humanities, and let us not forget the Institute of Museum Services because the gentleman from Montana [Mr. WILLIAMS] and I are actually bringing a bill to the floor this afternoon which reauthorizes those three agencies. The attention has been placed upon the NEA, but I would like to take some time here to talk about some of these other agencies that are doing very good work, and, very frankly, no one has addressed in this reauthorization, or no one has really even questioned, the validity of their functioning and their administration. The Committee on Education and Labor recognizes that these two agencies, the NEH and the Institute for Museum Services, should be reauthorized with only slight changes, and insignificant changes at that. At the same time, because of the controversy surrounding the funding of certain art works and productions by the NEA, and a widespread interest by the members of our committee and of the House, we agreed that the House floor was the proper place and forum to debate these matters and issues surrounding the reauthorization of the NEA.

Mr. Speaker, it seems clear that today's debate involves the Endowment's continued survival. Indeed the first amendment up is going to be from the gentleman from Illinois [Mr. CRANE] who will move to strike the existence of the NEA. At the same time, Mr. Speaker, let us not lose sight of the fact that in the 25 years since its authorization, the National Endowment for the Humanities has proved a worthy guardian and sponsor of our Nation's cultural history.

Mr. Speaker, the NEH recently sponsored a public television series called the Civil War. Ken Burns' documentary was seen by more people on public television than any other show in the history of public television, over 14 million people. Many watched all episodes for a week. No Member of the House, and I have talked with a number of my colleagues who have indicated that they have seen this show, no Member who watched it can question the validity and the need for the reauthorization of the National Endowment for the Humanities. All of use were moved by this media to bring to life our national past, and culture and heritage.

Mr. Speaker, the humanities endowment supports projects ranging from the King Tut exhibit to the summer seminars for teachers with grants ranging from the hundreds of dollars, a small grant, to $2.5 million to the New York City Library to preserve their 40,000 volumes of American history and culture. The NEH has made over 41,000 grants in these 25 years totalling $2 billion, stimulating another $1.3 billion by the private sector.

The little Institute for Museum Services, that gets overlooked so frequently, is the only source for operating support for our Nation's museums. It is charged with supporting zoos, aquariums, botanical gardens, natural history and children's museums, as well as art museums and historical sites. Since 1976, the Institute of Museum Services has made nearly 10,000 grants strengthening these institutions for years to come.

Now in its 25 years, the National Endowment for the Arts has supported the work of talented individuals and organizations of high artistic merit, leveraging nearly millions of dollars in private support. Since its inception, the NEA has stimulated the growth of arts organizations, and artists, and arts audiences, arts museums, and theatrical companies, and symphonies and orchestras having flourished during its operation.

In 1965, Mr. Speaker, there were only five States arts agencies. Today all 50 States, plus the territories use Federal dollars that are matched on a local basis of ten to 1 in many instances. They play a very strong role in providing public access to the arts at the State and local level.

Now during the last 18 months, this 25-year-old record of the NEA has come under criticism and scrutiny. It has been distorted and misrepresented regarding its direct or indirect funding of controversial works of art or productions. Out of those thousands of projects that have been funded by the NEA, indeed only a handful, and we will certainly hear about the handful today, have gained public attention and notoriety.

As the debate surrounding the reauthorization of the National Endowment for the Arts developed during the past 1½ years, I became increasingly dismayed by the extreme positions taken by both the critics of the Endowment, who accuse those who support the NEA as de facto supporters of pornography, and, on the other hand, the equally intransigent position of the arts establishment, which writes off any criticism of the Endowment's peer review and grant-making process as an attempt at censorship. What the two extremes have in common, seemingly, was to do in this agency. Justifiable concerns about the Endowment's operations, about its lack of sufficient administrative oversight of its grant-making process, and the need for additional accountability to the public in the Endowment's peer review system, have been relegated to the background. We hardly talk about those issues. So, throughout this debate, we have had an NEA that is careening from one post to another, and I believe it is at risk and is adrift.

While I am a very strong supporter of public funding and the Federal role in the arts, I also feel very strongly that the public funding requires accountability to the taxpayer, and, sharing this view with the gentleman from Wisconsin [Mr. GUNDERSON], my colleague on the committee, I began to draft what I call the Republican consensus bill which brought some common sense reforms to the Endowment's peer review and grantmaking procedures. It would insure greater accountability to the taxpayers, increase resource allocations to the States, increase access to the arts by the public with new initiatives on arts education through rural and inner city arts programs. And our proposal prohibited the funding of any art work or production which is obscene.

Mr. Speaker, during the past several months, even though we have had our differences, the gentleman from Montana [Mr. WILLIAMS] and I have sought to continue to seek and to work together to recognize that neither extreme was going to prevail in this debate, and the resolution of this problem needed to be made, and so, taking the Coleman-Gunderson approach, building upon the initial bill of the gentleman from Montana [Mr. WILLIAMS] that he introduced, we began to develop a bipartisan substitute which we bring proudly before the body this afternoon. This initiative was developed because we want an end to this. We want to set this agency on the proper course, and we want more accountability to the taxpayer without intruding on the consitutional creativity and rights of all Americans. Taken as a whole, our bipartisan substitute makes significant and basic changes in the Endowment and has more far-reaching reforms than this agency has ever had in 25 years.

The central question that we need to frame this afternoon is, "To whom is

the Endowment for the arts accountable?" The answer to that question is, "It must be accountable to the public whose tax dollars go to fund it, and the public should benefit from the Endowment's existence through support, not only of artists and their work, but also from increased access that all of us will have, and increased appreciation that all of us can gain to the arts."

Our legislation begins with a simple statement, and I quote from our proposal. "The arts and the humanities belong to all of the people of the United States." It expresses a basic principle which seems to have been so taken for granted during all this debate, and then ignored by both the critics and the defenders of the Endowment. The Arts Endowment is a Federal agency established to serve purposes the public expresses through those of us who are their elected officials.

Mr. Speaker, the Williams-Coleman language clearly states, and again I quote:

Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines." It strongly underscores the basic principle that in funding works or productions of art, "Government must be sensitive the nature of public sponsorship," and that, "Public funding of the arts and humantities is subject to the conditions of accountability" which traditionally govern the use of public money.

□ 1430

An Endowment of the Arts which loses the trust and support of the American people, will not continue to exist. Our legislative language stresses that the Endowment, as a Federal agency and steward of the taxpayers' funds, should make grants in a way that its funding contributes to the public's support and confidence in the use of these taxpayer funds. Our criteria in our proposal is artistic excellence and artistic merit. Those are the criteria by which an applicant will be judged.

Additionally, we have added language by the gentleman from Michigan [Mr. HENRY] which underscores that the decisions of artistic excellence must take into consideration general standards of decency and respect for the diverse beliefs and values of the American public. Works which deeply offend the sensibilities of significant portions of the public ought not to be supported with public funds. That is a statement of common sense, of prudence, of sensibility to the beliefs and values of those who, after all, pay the taxes to support this Federal agency.

We make very clear in our proposal that the NEA will not fund obscene works because obscenity is without artistic merit. It is not protected speech and shall not be funded. However, works or productions which are ultimately for some reason determined by a court of law to be obscene are prohibited from receiving funding from the arts, and if there is a violation, the individual applicant must pay back to the NEA those funds and is ineligible for 3 years to receive another grant.

Mr. Speaker, I take this time under the rule to lay out our proposal, because of the time sequence of events, and the pressure for time when it comes to debate the various contested amendments that we have before us today. Some are concerned about putting into the hands of juries the decision as to what is obscene and what is not obscene. I do not shrink from giving this to our fellow Americans to decide. That is where it ought to be decided, by the courts and by the juries, not by Members of Congress, not by the leadership, not by me, not by the chairman, and not even by a majority of us. We should set out the parameters within the bounds of decency and obscenity in this country and let those decisions be made at the local level.

There are some who have given widespread views to some of these questionable pieces of work that we all know about. In fact, those who oppose these works have disseminated them to millions of people in the guise of opposing them. They have given them more coverage than they ever would have gotten if they had just let them lie as they should have.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I am glad the gentleman brought up this matter of disseminating these works which some find obscene. By the way, I find some of them offensive myself.

If the right wing in this country does not stop disseminating these works, we are going to have to build a wing on every gallery in the United States just to take care of the increased crowds that want to go to these galleries to see these works.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman for his comment. It certainly has stirred interest in this agency which many people did not know existed.

Let me say that there are some, including the gentleman from California [Mr. ROHRABACHER], who want to put into legislative language specific activities and projects which may not receive funding by the NEA. Let me say that if we start down that road of prohibiting categories of expression, categories which are indeed constitutionally protected speech, where do we end? Where one Member's aversions end, others with different sensibilities and with different values begin.

So I do not think any of us want to get into the business of determining which pieces of art ought to be funded. We can put out the general guidelines, and that is why I think the NEA itself can operate with the new restrictions, with the new procedures, and with the new reforms contained in the Williams-Coleman substitute, without specifying particular acts. The Members, and especially those who are watching in their offices, do not know sometimes what the particular acts are, because some of these amendments are X-rated and we cannot even talk about them, but I think our imagination lends itself to what we are referring to.

Mr. Speaker, I will talk more about the Williams-Coleman bipartisan substitute during general debate and also when the bill comes up for amendment. At this time I want to thank the gentleman from California [Mr. PASHAYAN] for offering me this opportunity early on to set out where we are going on this bill this afternoon.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I make this statement with great respect to my friend, the gentleman from California [Mr. ROHRABACHER], who was gracious enough to come to my congressional district, which contains one of the largest art communities in the country, and conduct a debate, on the obscenity issue. My friend, Mr. ROHRABACHER, on this issue is dead wrong, this initative on defining morality is one of the Far Right's last gasps. The cold war is over, deregulation has been discredited, and the Far Right's agenda has been rejected by the American people. So this is their last gasping, desperate issue that deserves to be repudiated once again.

Nonetheless, we need to be vigilant because it is a dangerous issue, because what my colleague is trying to do is personally set obscenity standards and define morality. I think that is wrong and unacceptable. It's unconstitutional. I think that is dead wrong. This crew wants to define pornography and obscenity in art. What is going to be next?

Yesterday in a playoff baseball game, the great Red Sox pitcher, Roger Clemens, was thrown out of the game because of an alleged obscenity that he did not even say out loud. He mouthed it, according to the umpire. And he was thrown out of the game.

Could baseball be next? Are we going to get into these issues all over the landscape next? Are music records next? We will be descimating the first amendment and free speech if we pass the Rohrabacher-Helms amendment.

Mr. Speaker, the Williams-Coleman compromise is good legislation. The substitute is good because it bans obscenity in arts funding. The legislation

that we have in front of us says very clearly that the NEA may not fund obscenity and the determination of obscenity is left to the courts not politicians, not bureaucrats. But the courts, among juries of average people. The proposal adds a definition of obscenity to be used by the courts in making a determination.

Here is what is obscene based on the Miller versus California standard. First, the average person applying contemporary community standards would find that the work when taken as a whole appeals to prurient interests. That is the first one.

Second, if it depicts or describes sexual conduct in a patently offensive way; and

Third, if it lacks serious literary, artistic, political, or scientific value.

Mr. Speaker, the NEA is a good institution and the Government should fund the arts because we are enriched as a society by the arts. There are hundreds of good NEA projects throughout the country. Here are some examples:

Mr. Speaker, during the past few months you have been receiving a lot of mail on the Arts Endowment. Much of it has been distorted and has led to considerable confusion about the kind of works the endowment funds. As most folks know, the endowment has been an important force in expanding the arts throughout this country and is so doing enriching the lives of our people. I am enclosing examples of some projects that the endowment has actually funded during the past year. Despite the misleading claims made by others, these projects, and others like the Nebraska women's artist project now on display in the Cannon Rotunda, are the kinds of work that characterize the endowment. It is this art that you will be asked to support when we bring the endowment reauthorization bill to the House floor.

Alabama: $40,000 grant to the Alabama State Council on the Arts to support rural arts organizations throughout the State.

Georgia: $27,500 grant to Jomandi Productions in Atlanta, the oldest existing black-owned and produced theater company in the country, to support its Community Without Walls Program which provides free and discounted tickets for schools and public housing residents.

Kansas: $12,000 to the Kaw Valley Arts Council of Kansas City to develop and improve arts programs for disabled and handicapped young people.

Louisiana: $15,000 to the Shreveport Symphony Society to support the Special Concerts for Special People program, bringing symphony performances to institutions for handicapped children and adults and to retirement and long-term care facilities.

Masssachusetts: $28,000 to the Children's Museum in Boston to support a cultural festival featuring the five Southeast Asian refugee groups who have settled in that State.

Nebraska: $48,200 to Nebraskans for Public Television to support a documentary on the preservation and restoration of historic farm buildings and the importance of the farm in the cultural heritage of rural life in America.

New Mexico: $60,000 to the New Mexico Symphony to tour the Southwest region and to expand its education programs, particularly to rural areas and Indian pueblos and reservations.

North Carolina: $23,200 to the North Carolina Maritime Museum to support the documentation and presentation of the traditional arts and artists of the North Carolina coastal region.

West Viriginia: $75,000 to Friends of West Virginia Public Radio to support "Mountain Stage," a weekly live program showcasing a variety of prominent regional artists.

These works, representing the rich cultural heritage of our Nation, are funded by the endowment. They are the actual works on which we should judge the endowment's activities, not the distortions of some who would prefer leaving us with no endowment at all.

SUMMARY FOR WILLIAMS-COLEMAN PROPOSAL REAUTHORIZING THE NATIONAL ENDOWMENT FOR THE ARTS

NEA FUNDING MUST BE SENSITIVE TO PUBLIC SPONSORSHIP

Language is added to the Declaration of Findings and Purposes stating "that the arts and the humanities belong to all the people of the United States; that the Government must be sensitive to the nature of public sponsorship, and that funding of the arts is subject to the conditions of public accountability that govern the use of public money." Additionally, "the arts should reflect the nation's rich cultural heritage and foster mutual respect for the diverse beliefs and values of all persons and groups."

ARTISTIC EXCELLENCE AND ARTISTIC MERIT

The Chairperson of the National Endowment for the Arts is required to ensure that artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

OBSCENITY

Language specifies that obscenity is without artistic merit and is not protected speech. The proposal makes clear that Constitutional prohibitions against obscenity apply to the NEA.

A. COURT DETERMINATION OF OBSCENITY

While the Act makes clear that NEA may not fund obscenity, the determination of obscenity is left to the Courts. The proposal adds a definition of obscenity to be used by the courts in making a determination. The term "obscene" is based on the Miller versus California standard and means with respect to a project, production, workshop, or program that:

(1) the average person, applying contemporary community standards, would find that the work, when taken as a whole, appeals to the prurient interest;

(2) depicts or describes sexual conduct in a patently offensive way, and

(3) lacks serious literary, artistic, political, or scientific value, when taken as a whole.

B. Repayment to NEA

After notice and opportunity for a hearing on record, should the Chairperson determine that the work of a recipient of financial assistance from the NEA (or through a subgrant by any other public or private agency or organization) has been deemed obscene by a court, the NEA will recapture funds awarded for such work.

Additionally, the recipient is disqualified from eligibility for future NEA funds for a period of 3 years and until all funds are repaid to the Endowment.

These sanctions shall not apply to works funded by NEA before enactment of this Act. Additionally, they may not be in effect for more than seven years after the award of a grant by the NEA.

APPLICATION PROCEDURES

Applications for grants must include a detailed description of the proposed project and a timetable for completion.

Conditions of the grant award or financial assistance include an assurance by applicant that the product or production will meet the standards of artistic excellence and artistic merit as required by the Act.

Site visitations will be required, when necessary and feasible, to view the work of an applicant and a report given to the grant advisory panel to assist in their evaluation.

Applicants will submit interim reports detailing progress and compliance with terms and conditions of the award, except in those cases the Chairperson determines not practicable; annual reports will be required for multi-year grants.

Distribution of grant awards will be made in multiple installments, except in those cases which the chairperson finds that the procedure is impracticable. Two-thirds of the award will be provided at the time the application is approved; the final one-third will be disbursed upon NEA approval of interim report.

A final report on the project is required within 90 days of the completion of the grant award period.

Penalties for noncompliance with terms and conditions of the contract include the recapture of Federal funds and disqualification from future eligibility until compliance is accomplished.

ROLE, RESPONSIBILITIES AND COMPOSITION OF ADVISORY PANELS

Panels are authorized to make recommendations to the National Council for the Arts solely on the basis of standards of artistic excellence and merit.

Panels are broadened, when practicable, to include individuals reflecting a wide geographic, ethnic, and racial representation, as well as individuals reflecting diverse artistic and cultural points of view.

Panels will include knowledgeable lay persons.

Individual panelists are limited to three consecutive years of service on a panel and membership of each panel must change substantially each year.

No individual who has a pending application from the NEA or who is an employee or agent of an organization with a pending application can serve as a member of any panel before which such an application is pending.

Panels are required to create written records summarizing the meetings and discussions of each panel and the recommendations by the panel to the Chairperson. These records are to be made available to the public in a manner which protects the privacy of applicants for financial assistance and individual panel members.

NATIONAL COUNCIL ON THE ARTS

The council will make recommendations to the chairperson concerning funding and funding levels of applications that have

been determined by the advisory panels to have artistic excellence and artistic merit.

All policy meetings of the National Council for the Arts shall be open to the public.

The council must keep records, summarizing meetings, discussions, and funding decisions and must make these records available to the public in the same manner as the grant advisory panels.

CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS

The chairperson of the NEA has the final authority to approve or disapprove recommendations concerning funding and funding levels of applications made by the council. The chairperson may not approve an application that has not been approved by the council.

STATE FUNDING

Funds allocated to the States for Basic State Grants (BSG) will be increased from 20 to 25 percent in fiscal years 1991-1992, and increased to 27.5 percent in fiscal year 1993.

An additional 5 percent of NEA program funds in fiscal years 1991 and 1992 will be reserved for funds for competitive grants to state and local arts organizations for programs to expand public access to the arts in rural and inner-city areas. The percentage will be increased to 7.5 percent in fiscal year 1993.

The current 80-20 ratio of the Federal and State percentages of program funds will be 65-35 by fiscal year 1993.

NEW INITIATIVES AND NEW PROGRAM PRIORITIES

A new authority is created for arts education. Includes initiatives to promote arts instruction for students, teachers, and artists, and strengthen and support research and demonstration projects in arts education and the dissemination of information.

Projects which have substantial national or international artistic or cultural significance are encouraged as are projects that broaden public access to the arts through film, television productions, radio, video, and other media.

A challenge grant program is authorized for "developing arts organizations" of high artistic promise which can expand public access to the arts in rural and inner city areas.

GAO REPORTS TO CONGRESS

A study of Federal, State, and local funding of the arts is required.

A study of the program staffing and use of consultants and independent contractors by the NEA is required.

LENGTH OF AUTHORIZATION

Three years. (The length of authorization applies to the NEA, the National Endowment for the Humanities, and the Institute of Museum Services.)

Mr. PASHAYAN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, first of all, I rise in strong support of the rule. I want to commend the Rules Committee for having accommodated the interests of each and every Member who came before that committee. The committee gave each and every Member who had an interest in offering an amendment to this bill the opportunity to do so, and I think we should point that out. Every Member who came to the committee and asked to be given an opportunity to present an amendment to this bill was allowed to do so, including the gentleman from California [Mr. ROHRABACHER].

I also want to point out that the rule issued by the committee was unanimous. I think that says a lot, given all the emotion that has gone into this issue and all the political divisiveness of this issue. Again I thank the members of the Rules Committee for putting us on the right ground for having what I hope will be a constructive debate.

Having said that, I want to rise in strong support of the Williams-Coleman substitute. I have been as active as any Member in this body in addressing the problems of content reforms, if you want to use that language, in addresing the problem of art which is deemed by some to be obscene or indecent and in terms of how we get an endowment which is sufficiently responsive to the character of public sponsorship.

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This compromise addresses that issue and has met every concern that I have raised in committee and with other Members in this body. I want to make that very clear. The substitute addresses that. I want to make it very clear here, because there is a challenge before each and every Member in this Congress, Republican or Democrat, liberal or conservative.

There are two ways in which we can respond to some of the problems we have had in the NEA. We can try to kill it and punish it and abolish it, or we can try to make it better and preserve this agency, which by and large has served the American people and the American trust exceedingly well.

Mr. Speaker, I am here to stand beside those who seek to strengthen this agency, to correct it where it has been wrong, to address some of the public issues that have been raised, while at the same time urging Members to be careful not to get caught up in a vindictive spirit which has goals quite different than that of simply strengthening this agency.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Speaker, the substitute is the product of sincere and significant compromise by the members of the Education and Labor Committee and represents the willingness of many people to ensure the continued support for the arts by the Federal Government.

During the past several months, it has become clear that there has been substantial opposition to continued funding for the National Endowment for the Arts, primarily because of suggestions that too many of the grant-winning projects have been viewed as being obscene.

As I mentioned, I have been one of those critics. I opposed the version of H.R. 4825 as it was reported by the Committee on Education and Labor and, if anyone is interested, the committee reported on the bill, 101-566, including my dissenting views.

In that report, I noted that while I supported the concept of Federal aid for the arts, I could not, in good conscience, vote for that bill because it provided for a straight 5-year reauthorization with no language to prohibit funding for works deemed to be obscene, and provided no system for improving the internal operating structure of the National Endowment for the Arts.

In my dissenting views on H.R. 4825, I suggested that a shorter reauthorization period, 2 or 3 years, would be far more acceptable; that language be included to prohibit or significantly restrict advisory panels from recommending grants for works that would be obscene by traditional standards; and that the Independent Commission, authorized by the Congress and appointed by the President, be extended for an additional year in order to review the internal operations of the NEA and to report its recommendations to the Congress for action.

In the months since that report on H.R. 4825 was printed, a number of things have occurred that have encouraged me to believe that changes for the better were coming forth. In that period between the end of June and today, we have seen a different kind of activity by the chairman of the National Endowment for the Arts—a willingness to take unpopular actions in the interest of seeking to come to terms with the objections to some grant applications.

We also have in hand the report to the Congress on the National Endowment for the Arts from the Independent Commission. This report makes a number of suggestions for revamping the internal structure of the National Endowment, including revised roles for the advisory panels. Those changes and new actions, Mr. Speaker, bring us to this substitute for H.R. 4825.

The compromise proposal opens the door for a fuller review of the National Endowment than would have been possible under the originally reported bill. This measure contains many significant improvements that I firmly believe will make the National Endowment a stronger and more viable force in the arts community, even if the arts community itself doesn't yet recognize that fact.

I know that many of my colleagues have already commented on many of these important features, but I feel that I, as a vigorous opponent of the

original measure, should stress those points that have convinced me to lend my wholehearted support for it.

First, and foremost, the compromise proposal comes to terms with a basic principle for the National Endowment—that it must be sensitive to public sponsorship. The National Endowment is, after all, a creation of the American public. It must reflect the public view.

Mr. Speaker, underlying the entire debate on the reauthorization of this agency is the whole question of the Federal Government's role in the arts. Is it the primary role of Government at the Federal level to provide dollars to individual artists, helping to free them from searching to meet basic needs so that they might create something?

Or, should the principal role of the Federal Government be that of enhancing our existing system of making artistic endeavors more available to the general public and of encouraging a greater appreciation for the broad spectrum of the arts by all of our citizens, whether they live in our cities, towns, or villages?

I believe that this new statement of principle encourages the latter goal, one which I believe is the cornerstone for Federal support for the arts.

I concur in the effort of the compromise to address the obscenity issue and I believe without reservation that the provision that would disqualify any grant recipient found guilty of creating an obscene work from receiving any further assistance for no less than 3 years and until any grant moneys were returned, will be an adequate deterrent.

Perhaps more important in the scheme of things is the means by which the advisory panels are refocused and the makeup of those panels.

I agree with the concept of requiring that applicants provide more detailed information on their initial applications and that they include a timetable for completion of the project.

I support the intention of the crafters of the compromise to require visitations by the advisory panels to examine projects at various stages and the requirement for interim reports on progress from the grant recipients. I also approve of the provision that would split the grants into at least two separate payments available at different times during the course of the project.

I concur with the provision that would broaden the membership of the advisory panels to include the widest range of individuals, especially with the inclusion of "knowledgeable lay persons."

And, finally, I strongly endorse the provision that would limit the basis for recommendations on art projects by the advisory panels to artistic merit, with no voice in the actual grant award.

I agree that the funding recommendations should be made by the National Council on the Arts, primarily because this group is responsible to both an appointing authority, the President, and a confirming authority, the U.S. Senate. These connections to the real world make the council members eminently suited to make the funding level recommendations for grant applicants, with the final say in the hands of the chairperson of the National Endowment.

I know there are those who will question whether the approach embodied in this compromise will be sufficient to truly curb the abuses reflected in the funding of what are or appear to be obscene works.

I believe the system in this substitute will work. I believe that the changes in the internal structure of the Endowment will lend itself to adequate controls because we are now placing the responsibility for the decisions in the hands of those who will be held accountable. Further, I believe the review process, including the interim reports to be required, will help to head off the kinds of works that have embarrassed so many of us.

But that's not all that has encouraged me to support this substitute proposal, Mr. Speaker.

I approve of the concept of increasing the basic grants to the States from the present 20 percent level to 25 percent for fiscal year 1991 and 1992, and to 27.5 percent in fiscal year 1993.

Furthermore, I strongly support the new authority for the arts education program. As I mentioned earlier, that is what I believe the primary thrust of the National Endowment for the Arts should be. And, while I may quibble with the funding approach—only 50 cents for each dollar appropriated above the $175 million level, up to $40 million, the idea is sound and viable.

Finally, Mr. Speaker, I am encouraged by the studies by the General Accounting Office required by the substitute and its 3-year authorization period. I believe the GAO reviews will help us address possible abuses in the system, especially where it appears that funding, both direct and indrect, appears to have gone to organizations, which have had managers and directors on the advisory panels.

Mr. Speaker, I want this program to continue. I have never suggested that we should not fund the National Endowment for the Arts. In fact, it has always been my goal to achieve just the kinds of changes that this substitute provides us with.

The National Endowment is an important factor in my congressional district. In fiscal year 1989, persons, and organizations in my district received $2.24 million from NEA grants. In an area that has been as economically hard hit as mine duirng the past 12 years or so, this is a significant contribution to the economy.

I am committed to ensuring that the National Endowment for the Arts continues as a viable organization and continues to serve the American public.

I know it can do a better job than it has in recent years and I, for one, intend to help the agency achieve that goal. This compromise before us does that.

I believe this compromise will allow us to continue to support the National Endowment's aims and still feel that we are protecting the public's concerns.

This substitute so closely matches the concerns I raised in my dissenting remarks in the committee report that I have no qualms about supporting it myself and in urging all of my colleagues to support its passage.

Mr. Speaker, today's upcoming debate on the reauthorization of the National Endowment for the Arts must seem a strange one to the American people, especially with the concerns about the budget resolution and the potential for a shut-down of critical Government operations.

But this is an important issue, nonetheless. In this debate over reauthorization of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services, we are saying a lot about national goals and dreams.

I admit that I have been as critical as many other Members of Congress about the ways in which the National Endowment for the Arts has squandered taxpayers' dollars on works that, even if not obscene, seem far removed from what most of us would consider works of artistic merit.

Still, the arts have a vital place in our society. George Washington said that the arts are "essential to the prosperity of the State" and John Adams wrote that he hoped his grandchildren would have the "right to study painting, poetry, music, and architecture."

There is little doubt in my mind that there is a need for a Federal presence in the arts. What that role should be has been one of the points in disagreement.

Later today, Mr. Speaker, we will have several opportunities to express ourselves on that basic issue. There will be amendments offered that would abolish the agency entirely, that would prohibit the agency from using its funds for a variety of activities, and that would continue the agency under a revised formula with different responsibilities for different elements in the structure.

The last amendment is a compromise substitute for H.R. 4825, the bill before us today.

Mr. Speaker, I rise in strong support of the substitute and I urge my colleagues to defeat those amendments that would either abolish the agency or severely limit its operational integrity.

I commend PAT WILLIAMS, the chairman of the Subcommittee on Postsecondary Education, for his perseverance and for his willingness to seek consensus.

I was a vigorous opponent of the original bill as it was reported by the Committee on Education and Labor. My views are on the record.

This compromise substitute is the best available option, Mr. Speaker. It addresses each of my objections sufficiently so that I can support it without reservation.

I stand here to urge my colleagues to support it when the appropriate time occurs. I will vote for this rule and ask my colleagues to join me.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the congressional debate over the National Endowment for the Arts again surfaces the age-old controversy in America between our commitment to free expression and our national conscience, molded since its infancy, by strong religious values. For over 200 years this country has labored to find a safe haven in this stormy debate. Though the artists and their works have changed, this is no new issue. I suspect that 200 years from now some form of this debate will still be taking place.

Under this rule we may consider two amendments, one to be offered by the gentleman from Illinois [Mr. CRANE], and the other to be offered by the gentleman from California [Mr. ROHRABACHER]. In my mind, the amendment by the gentleman from Illinois [Mr. CRANE] is the only serious choice.

The gentleman from Illinois eliminates all public funding of the arts. Rather than produce a chastity checklist, the gentleman from Illinois [Mr. CRANE] presents the issue in a clear, unadulterated state, a simple take it or leave it. I cannot support the gentleman from Illinois [Mr. CRANE] nor his amendment, because I believe Federal support of the arts has real value for our Nation.

We fund music, art, education, and artistic expression. We encourage those qualities which give meaning to the prefix "gentle" in the words "gentleman" and "gentlelady".

The Rohrabacher-Helms approach tries instead to express in words that art which might be morally reprehensible in the minds of some.

Mr. Speaker, let me say at the outset that I find personally tasteless and offensive many of the examples of so-called art which are at the core of this controversy. In my view it strains, if not defies, any definition of art to portray people and beliefs in a degrading, insulting, dehumanizing manner. Yet, when confronted with the burden of defining my own personal threshold of accepable art, I find my legal education and legislative experience inadequate to the task.

We learned recently that a jury of Midwestern Americans in Cincinnati took the existing definition and standards and refused to find the very works of art in question here to be obscene. In my own hometown of Springfield, IL, an aggressive prosecutor several years ago finally threw in the towel when his efforts to close a local porno theater resulted in several juries being unable to agree on the issue of obscenity.

To say that words fall us in this debate is an understatement.

There is an aspect of this debate I find curious and seldom mentioned by Republican Members. Though they concede that only a handful of art works have been found controversial of the 85,000 which have been funded by the NEA, we never hear much about the people on the NEA Board who make these decisions.

In fact, every member of the NEA Board is an appointee of either President Ronald Reagan or President George Bush.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman made reference to the amendments proposed by the gentleman from Illinois [Mr. CRANE] and the gentleman from California [Mr. ROHRABACHER]. The amendment offered by the gentleman from Illinois [Mr. CRANE] to kill the money for the arts was the one that the gentleman from California [Mr. ROHRABACKER] offered last year to kill the arts. The difference between the amendment of the gentleman from California [Mr. ROHRABACHER] of last year and this year is that whereas last year the gentleman wanted to have a quick thrust and kill the NEA, this year he wants to smother it with restrictions that are unworkable. It will kill it just as dead.

Mr. DURBIN. Mr. Speaker, reclaiming my time, conceding that neither President nor their administrations, under Ronald Reagan or George Bush, have been viewed as libertine or amoral, who are these people who have on several occasions funded these controversial art works? I do not know any of them personally, but I suspect they were chosen because of their knowledge of the arts and their judgment.

Mr. Speaker, is it not naive to believe that adopting the new definition of obscenity from the gentleman from California [Mr. ROHRABACHER] will somehow bring clarity to each of the minds of the NEA Board, any more than the existing definition of obscenity was seen as a clear call by the Cincinnati jury?

In the final analysis, we still have to put our trust in the judgment of men and women who must struggle on a case-by-case basis with the debate which has consumed this Congress for months. The approach of the gentleman from California [Mr. ROHRABACHER] is no answer at all. It is a broadside attack impossible to administer. Perhaps it is clear in the mind of the gentleman from California [Mr. ROHRABACHER], but I can guarantee Members, it will raise more questions than it answers.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I rise today as a supporter of the National Endowment for the Arts. First of all, I would like to thank the gentleman from Montana [Mr. WILLIAMS] and the members of his committee for their outstanding effort under difficult circumstances in bringing forth this bill. I believe that there is no question that the arts endowment should be reauthorized to continue the great contributions that have marked its 25 years of existence.

Mr. Speaker, I would also like to say that as a member of the Interior Appropriations Subcommittee, I am proud to serve on the subcommittee that is responsible for funding the arts, and I am proud to serve with my very able and distinguished chairman, Mr. YATES. Chairman YATES has been a leader and a defender of the arts and has been a tremendously positive force in strenghening the cultural foundation of this Nation. We have all benefited from his leadership and foresight.

While the controversies that have characterized the past year have made this a difficult period for the arts, these are circumstances that I know the NEA and its supporters will successfully endure. The record of the Endowment is long and distinguished, and throughout its 25 years of existence, the NEA has led the way in broadening access to quality arts works in various disciplines. In dance, for example, we have gone from having just 37 professional dance companies when the NEA came into being in 1965, to 250 such companies at present. During that same period, the dance audience grew nationwide from 1 million to 16 million.

One of the most significant ongoing contributions being made by the NEA is through its funding of arts education initiatives, which particularly helps young children develop and express their creativity. NEA arts education initiatives are estimated to reach over 4 million children a year in the United States. Furthermore, I am pleased by the successful partnership that has developed between the National Endowment for the Arts and the States. When the NEA begin, only five States had arts councils. Today there are arts councils in every State and six territories.

In my home State of Washington, grants have been provided to support a variety of outstanding organizations, including: the American Indian Studies Center in Seattle, the Bellevue Art Museum, the Pacific Northwest Ballet, the Puget Sound Chamber Music Society, the Seattle Children's Theater, the Bremerton Symphony Association, the Tacoma Art Museum, the pierce County Arts Commission, the Spokane Ballet, and the Walla Walla Symphony Society.

I am proud that these and many other institutions in my State have been bolstered by support from the NEA. I would like to cite more specifically some of the great activities that have occurred in Washington State in recent years as a result of NEA funding. Through the NEA, the Whatcom Museum Society in Bellingham received a grant to support a touring exhibition and accompanying catalogue examining the impact of the Vietnam war on American art of the past 25 years; the Seattle Symphony Orchestra received funds to support the "Discover Music Program," a children's concert series with educational objectives; the connoisseur concerts association in Spokane received funds to support the 10 annual Northwest Bach Festival, the Pacific Northwest Arts and Crafts Association received a grant to support a program called designing for the Future, an educational program for students in grades 5 through 12 in connection with the Frank Lloyd Wright touring exhibition, and the Washington State Arts Commission received funds to support a collaborative reading exchange between Washington State and Oregon.

These are the kinds of great initiatives that the NEA has supported in my State that harsh opponents of the arts would sacrifice in their zest to punish or eliminate the NEA.

The NEA has built a proud record, and has demonstrated that public support for the arts can lead to significant private dollars. In 1988, for example, the $119 million given by the Endowment for grants generated over $1.36 billion in private funds.

It is hard to believe that we could ever remove all controversy from the NEA or any other bureaucratic institution, for that is not a realistic or humanly achieveable goal. What is achieveable is to instill integrity in the process, and to provide the NEA with the resources and direction it needs to pursue the goals upon which it was founded.

In the best interest of this Nation, let us not lose sight of why we have a National Endowment for the Arts. In this respect, I believe that the words written by the original commission which set up the NEA states it best:

• • • That the arts are not for a privileged few but for the many, that their place is not on the periphery of society but at its center, that they are not just a form of recreation but are of central importance to our well-being and happiness.

I urge my colleagues to vote responsibly and oppose amendments that seek to eliminate or radically restructure the National Endowment for the Arts.

Mr. SCHUMER. Mr. Speaker, this debate is really about two things: it is about the arts in America and America's relationship to the arts, the Government's relationship to the arts, and it is about free speech.

The two are intertwined and you cannot really separate one from the other, although some on the other side in the form of the Crane amendment would like to do so.

In terms of free speech, it seems that in the 1980s a new concept of free speech has emerged. Speech is free, as long as the ideas, thoughts, or pictures enunciated are popular. We have seen that in the flag burning debate. We all abhor the flag burners, but the question is did they have a right to express themselves even in a way obnoxious to most Americans.

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We all abhor some of the pictures and things that are funded here. But do they have a right to express them?

I would say to my colleagues I am truly worried about the state of our Bill of Rights, because when they become such a ground swell against speech, against thinking that is unpopular, this country is in trouble. The Founding Fathers did not fight to say the things that King George and others wanted them to say. They fought for things that were decidedly unpopular.

We are forgetting about that, my colleagues. We are losing our whole view of what free speech is all about. It is, I underscore, to defend unpopular speech, abhorrent speech, because if we draw the line in one place we will draw it closer and closer and closer to the beliefs that we cherish.

Mr. BEILENSON. Mr. Speaker, I yield our final 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the reauthorization of the National Endowment for the Arts. I want to compliment the gentleman from Montana [Mr. WILLIAMS], chairman of the committee and the ranking member, the gentleman from Missouri [Mr. COLEMAN] for the substitute they have worked out. I think it deals effectively with the very sensitive issue of obscenity.

I might say that I rise as a supporter of the arts because I think the National Endowment for the Arts has triggered an enormous private contribution to the arts all over this country. We have today many more dance companies than we had back in 1964, and it is because of the seal of professionalism that is given by the National Endowment of the Arts that I think has triggered this private reaction.

I would say to my friends on the Republican side who seem to be so concerned about this, I remember when President Reagan was elected. He tried to do away with the National Endowment for the Arts and yet when we had that ferocious debate, everyone agreed that without it there would not have been the private contributions that have made the arts what they are today in the United States.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HERTEL). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, my parliamentary inquiry is with regard to the debate on the bill that is about to come up. Under the Rules of the House of Representatives, is the right to free speech protected as defined in the first amendment?

The SPEAKER pro tempore. Yes, clearly it is, consistent with the rules of the House.

Mr. WALKER. Consistent with the rules of the House. Some of the artwork that we are about to discuss has been ruled by the courts as being perfectly appropriate for public display. My parliamentary inquiry is, will that artwork be permitted under the rules of the House and under the provisions of free speech to be brought to the floor for display to the membership during the upcoming debate?

The SPEAKER pro tempore. The Chair will make a determination based on the decorum of the House.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry. Does the decorum of the House override the provisions of free speech?

The SPEAKER pro tempore. Order has to be maintained in the House to conduct the business of the House.

Mr. WALKER. But that is my question, Mr. Speaker. When it comes to the question of artwork, which has been declared by the courts as being appropriate artwork, and while being so referred to by proponents in this debate, will it be violative of the decorum of the House for such artwork to be brought to the House floor?

The SPEAKER pro tempore. Under the rules of the House, the Chair makes the determination as to whether decorum is proper in the House, and the Chair will make that determination at the proper time.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker. So the Speaker is saying that the right to free speech on the House floor can in fact be limited by the Chair, at the Chair's discretion, despite the fact that there are court rulings that indicate that the artwork is perfectly appropriate for public display?

The SPEAKER pro tempore. The gentleman knows that the Chair has the responsibility for the House to be in order, and that includes the decorum in the House. The gentleman from Pennsylvania knows that. The Chair will enforce that.

Mr. YATES. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman may or may not know that the artwork to which he refers was not cleared by the courts. It was cleared by a jury, not by the courts.

Mr. WALKER. If the gentleman will yield, I appreciate that.

Mr. YATES. It was never submitted, never submitted to a court for consideration.

Mr. WALKER. I certainly agree with the gentleman's point and I make that correction. It was a jury that made that determination.

I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Since a jury has interpreted that this artwork is appropriate for public display, is the Chair going to permit such artwork to be displayed on the floor during the course of the debate?

The SPEAKER pro tempore. The Chair has already ruled and explained to the gentleman. The Chair will make sure that there is decorum in the House. The Chair will rule at any appropriated time that there will be decorum in the House. That is the Chair's ruling.

Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4825.

The Chair designates the gentleman from Pennsylvania [Mr. MURTHA] as chairman of the Committee of the Whole, and requests the gentleman from Pennsylvania [Mr. KOSTMAYER] to assume the chair temporarily.

□ 1456

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4825) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, with Mr. KOSTMAYER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Montana [Mr. WILLIAMS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we Americans have a pluralistic society. We place great value on the variety of our origins, the hues of many colors, our cultures, our politics. Our differences of those things are very important to us. We understand that America's pluralism is our bulwark against tyranny.

The arts embody our differences, our individual viewpoints, our varied aspirations as a people. The arts and artists explore the many layers of our society.

Almost exactly 25 years ago the Congress, on behalf of the American people, found and declared that while no government can call great art into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating release of creative talent. And so the National Endowment for the Arts was created.

□ 1500

A small and lovely revolution has resulted. Prior to the revolution America had 58 symphony orchestras, we now have close to 300. Prior to this small and lovely revolution, America was graced with 27 opera companies. We now have more than 150. There were, prior to this small revolution, 22 nonprofit regional theaters in America. It is now approaching 500. And with regard to dance companies, we have gone from 37 to now close to 300. There were, back in the 1960's prior to the creation of the National Endowment for the Arts, only 5 State arts councils, and now 56 States and territories have State arts councils. There were only 55 local art agencies in America, and now this small and lovely revolution has caused more than 3,000 local arts agencies.

Equally and perhaps more important is the encouragement that has been given to new artists, young, vital, unknown artists, who are exploring, alive and perhaps dangerous. This little agency has so encouraged access to the arts, so enlarged cultural opportunities throughout this land, that it has, in fact, changed the way Americans think about the arts.

The artists Garrison Keillor from that little mythical town called Lake Woebegone has said:

> Today no American family can be secure against the danger that one of its children may, indeed, decide to become an artist.

America likes art and artists as never before in its history. Cultural opportunities for all of our citizens have been enlarged. Art is accessible no longer to the wealthy and the few who live in the great large cities on both coasts, but now all Americans in the great large cities and in the great small towns have increased access to the arts, and we are all better off for it and for the small and lovely revolution created by the National Endowment for the Arts.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I have a quote here that says, "The main instrument of a society's self-knowledge is its culture." You do not have to believe that; after all, that was delivered by one of these tacky show-business types turned political leader, Vaclav Havel.

It puts me in mind of a story I know from my own experience, a story told to me by an actress, an excellent actress, Pat Carroll, who most recently was playing Falstaff at the Folger Shakespeare Theater right here across the street in another one of its impudent experiments in transvestism funded by taxpayers, and she said she recalls playing a production of Gertrude Stein in Hayes, KS, and she was terrified, because the audience was nothing but wheat farmers and their spouses, and she played to that audience.

At the end of that show, there were a bunch of wheat farmers waiting for her, and she thought, "What have I got to look forward to?" One of them said, "Miss Carroll, thank you. We sure need more of this."

That tells me that the debate that we are having today is really not about censorship, and it is not about sponsorship. It is about stewardship. It is about the charter that is being fulfilled and has been fulfilled by the National Endowment for the past 25 years, a charter that read, "It is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating the release of this creative talent," releasing it everywhere all over the country, $188,000 into my rural Iowa district in towns sometimes smaller than 300. Sometimes they got a larger grant than they had people.

But the point is we are arguing about a controversy that has roughly cost the American taxpayer two-hundredths of 1 cent, and that is for the art that has been even discussed as controversial. That is accountability. Farmers Home would like to have accountability like that. So would DOD. So would NASA.

If we presume to argue the taxpayer dollars are misspent today, I defy anyone in this Chamber to find me a Federal agency that has a better record of success than the National Endowment. That ought to be something that this body is for, Federal Government that works.

But let me go one step further. Let me talk a little bit about some of the challenges to this today, about the al-

legation that we are funding pornography here. As a matter of fact, we have even received in our offices a letter that says if we vote wrong on this, the people that are watching will vote against us. Let me say that I view that with caution. I have a lot of people who are opposed to pornography. I consider myself one of those. But I would also argue that the people who signed this letter, the Phyllis Schlaflys and the Paul Weyrichs and supposedly the Family Coalition do not necessarily speak for all of the families of America.

Let me read another quote from, all right, another artist, and you know my bias in this, so you know where I would draw my material. But let me just conclude with this quote to balance the people who are watching:

> Artists have to be brave: They live in a realm of ideas and expression and their ideas will often be provocative and unusual. Artists stretch the limits of understanding. They express ideas that are sometimes unpopular. In an atmosphere of liberty, artists and patrons are free to think the unthinkable and create the audacious. They are free to make both horrendous mistakes and glorious celebrations. Where there's liberty, art succeeds. In societies that are not free, art dies.

Those quots are from that notorious patron of the arts and liberal, President Ronald Reagan.

Mr. WILLIAMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. YATES], chairman of the Interior Subcommittee of the Committee on Appropriations.

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to continue what the gentleman from Iowa [Mr. GRANDY] has been saying about what the National Endowment for the Arts has done over the years.

The gentleman from California [Mr. ROHRABACHER] got up earlier and talked about this amendment and said that they were not extreme standards that he was imposing. They are very extreme standards, and if by some chance the House in unwisdom were to accept his amendment, it would smother NEA. It would mean the end of NEA.

Some of you may have seen the broadcast of the Civil War over the last few weeks on PBS. All of those who have seen it have acclaimed it. It was magnificent. I cite that example because the series was made possibly by a grant from the National Endowment for the Humanities.

That was a most dramatic and graphic example of the kind of work both the arts and the humanities have made available over the 25 years they have been in existence. They have provided the kind of art for America that the people of America want and like and deserve.

Operas, ballets, plays, special events, both the Endowments have made the funds available that have made this possible, and all through the country there have been grants from the Endowments which are elevating, yes, elevating, the artistic levels and cultural levels of this country, in operas, in plays, in ballet, in lectures, folk art, teaching for children. You listen to some of those who are critical and talk about, as the gentleman from California [Mr. ROHRABACHER] did earlier, talk about the outrages, the latest outrages of NEA. What outrages? How many outrages are there? One would think, by the way that he talks and others talk, that there are as many as there are trees in a forest, in one of our national forests. That is not true at all.

In all of the 85,000 grants or more of NEA, there have been a handful of mistakes as there are bound to be. The wonder is that there are not more in the field of culture. What Government agency has not made a mistake? What Government agency has not been held more to account than NEA for its mistakes?

□ 1510

All we hear from the other side is two grants: Mapplethorpe, Serrano; Mapplethorpe, Serrano; Mapplethorpe, Serrano, time and time again, as though their photographs were all that the Endowments for the Arts and the Humanities had ever done. Nothing is further from the truth.

It was also said that we cannot allow tax money to be used for such purposes. One would think that as much money was going into NEA controversial grants as was in a Stealth bomber overrun. That has gone from $75 million a plane to $750 million a plane. The truth is that for Mapplethorpe and Serrano the Federal Government advanced the sum of $45,000 for both of those grants. $45,000, and the Congress last year recaptured the $45,000 by action on this floor. There is no basis for the charge that taxpayers' money is being wasted on pornographic art.

I just want to conclude this by saying that I would hope that the House does not follow the lead of those who want to kill the Endowment in the guise of correcting the defects. The record of the Endowment deserves our praise, not our blame. It deserves our support, not the kind of distorted criticism NEA have received from some Members of the House. I hope the amendments that are restrictive will be defeated.

Mr. GOODLING. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, it is very easy to write a press release. It is much harder to write legislation. I want to commend the gentleman from Montana [Mr. WILLIAMS], the gentleman from Missouri [Mr. COLEMAN], the gentleman from Illinois [Mr. YATES], the gentleman from Ohio [Mr. REGULA], and those that have come together to closure on what is for many Members a very, very serious issue.

I am the first to grant that there have been those, and unfortunately in some cases it may be disproportionately from my side of the aisle, but from wherever they come from, there have been those who have brutally misrepresented the Endowments, brutally misrepresented some of the grants that have been out there, and brutally told half truths in terms of what was at stake. I also have to count myself as among those who believe that some of the grants which have been approved have been inappropriate uses of public funds.

At this point, I tend to distance myself from those disproportionately, I suspect, on the other side of the aisle, who have refused in some instances to admit of an intellectual distinction, a policy distinction between public sponsorship and censorship. I say this to my dear friends because we have tussled on this many times. I am here to say that this compromise addressed what I believe have been honestly raised and legitimately raised issues, which ought to be cut off from some of the extreme edges of the debate, in terms of the appropriate use of public funds, when public sponsorship of art is at issue.

This substitute, I want to make very clear, does address that concern. The general charter of the NEA is amended in the Coleman-Williams substitute to read as follows, by adding the language:

> The government must be sensitive to the nature of public sponsorship. Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money. Such money should contribute to public support and confidence in the use of taxpayers' funds.

This puts to rest the argument that just because art is art, there is no public accountability.

Second, this substitute includes language in the heart of the grant making grant process. We add to the criteria of artistic excellence and artistic merit, a shell, a screen, a viewpoint that must be constantly taken into account on behalf on the American public which sponsors and upholds this agency. I read, "Artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public." Once again, a major new addition in this Act.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I want to commend the gentleman for his contribution to the Williams-Coleman substitute, because a lot of his words and a lot of his concerns are expressed in our substitute. He is part and parcel of it. He has been a very constructive force in bringing this about. I want to thank him for his efforts on behalf of the NEA and our compromise position which we bring forward in bipartisan support.

Mr. HENRY. Mr. Chairman, I appreciate the gentleman's kind words, and later on I know other advocates of the substitute will point out procedural reforms that are integral to reforming the NEA and addressing conditions that some Members have raised. I point out that these procedural reforms that are not continued in any other amendment before this body.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I want to compliment Chairman WILLIAMS and Mr. COLEMAN for bringing this important legislation to the floor. Despite the fact that I support the NEA without any content restrictions, I will support their amendment as the only way to protect the high purpose for which the NEA was created.

Over a quarter of a century ago, President Kennedy conceived of the Endowment as a way "to help create and sustain * * * a climate of freedom of thought and imagination." And for close to 25 years now, the NEA has quietly and successfully succeeded in that mission. Dancers, painters, sculptors, and other artists have enriched our communities. And in the process, a national consensus has formed that art is vital to the cultural life of our Nation.

We all know about the Mapplethorpe photos and the Serrano sculptures. Few if any of us can look at such works without some sense of shock. But since the NEA firestorm kicked up over 18 months ago, only 20 out of 85,000 NEA grants have generated any controversy. Works such as these are the exception proving the rule. And the rule is that the NEA works, and works well. To argue, as some do, that we ought to do away with the NEA entirely is to throw the baby out with the bathwater.

Others will argue today that it is fine to fund the arts—but only if the artwork does not offend their standards of decency. But who gives them the right to set standards? This view threatens not only the NEA, but the very freedom of thought and expression that is the cornerstone of our democracy.

History has shown that the best art is not that which is popular, but that which provokes—which forces us to examine who we are and what we believe in. In the process, we become a more thoughtful, sensitive people. As President Kennedy said, "If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him * * *. In serving his vision of the truth, the artist best serves his nation."

Mr. Chairman, if we are going to fund the arts—as I believe we should—then we cannot muzzle artists with loyalty oaths and decency standards. Otherwise, their art is little more than a poor propaganda which betrays their vision of truth and pollutes the cultural life of our Nation. In a brave new world of content restrictions, all Americans risk the fate of Robert Frost's hired man, who had nothing to look backward to with pride, and nothing to look forward to with hope. For the sake of our sacred freedoms, and for the sake of our Nation, I urge my colleagues to oppose the efforts here today to kill or maim the NEA.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I am so happy that my side of the debate gets at least 2 more minutes to express its point of view, considering we have heard a lot of debate here, but it seems to be only on one side except for the 4 minutes I have expressed.

Mr. Chairman, we are trying to tell the American people that they are going to have to endure the second largest tax increase in American history. This body is trying to foist upon them Medicare hikes in their payments to Medicare that are aimed directly at sick, elderly Americans. This is the economic condition we find ourselves in America today.

□ 1520

Yet we cannot say that we are going to set standards so that our tax dollars are not being channeled to child pornography? We are saying that we cannot set standards so that we cannot prevent our tax dollars from subsidizing a tax on Christianity?

Yes, there is a serious problem here in Washington, DC, and that serious problem is when Congress is willing to raise the taxes of the American people, when Congress goes to the point where we are able to increase Medicare fees on sick and elderly Americans, but we are not willing to say that this is a waste of taxpayers' dollars to see our money going to attacking Jesus Christ and submerging Jesus Christ in a bottle of urine, or to portray Jesus Christ as a heroin addict, and when I see the tens of thousands of dollars going to this and then I hear people telling me that is just a pittance we should not care about, the American people can understand that.

I am really sorry that we do not have more time to express that on this side of the debate, because I think the American people are watching this debate and we are going to talk about that a little more.

I happen to believe that the only option we have for setting standards give the NEA direction, because they have not proven to us they deserve discretion, because they have been financing things that attack the very moral values of the people who are paying the bill and they are doing so in a very arrogant way.

I would suggest that the Williams-Coleman substitute if it passes will eliminate standards instead of setting standards.

I think the people who are proposing that understand that. They have been against standards all along in this debate.

I hope and I call upon my colleagues to pay attention to this and do what their constituents deserve, and that is to pay attention to how their constituents' dollars are being spent.

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Given the remarks by the previous speaker, I believe that all of us who are involved in the creation of the Williams-Coleman substitute need to make a clear point here to the American people. None of us support using American tax money to fund pornographic obscenities. I do not think anyone on this floor supports that.

I am outraged when people believe that I support that, so let me try to clarify the record for those people who say, "Well, then, why is the NEA funding obscenity?

The point is, it isn't. It can't under the law. The American people are astonished when they learn the truth, which is Robert Mapplethorpe never received a nickel of NEA money for that work that is in question, not a nickel.

The gentleman from California has referred to work by Andre Serrano in which an image of Jesus Christ was submerged in urine. Not a nickel of NEA money went to produce that work.

The right wing has accused the NEA of funding a performance by a dancer named Annie Sprinkle, performing at a place called the Kitchen in New York. A Senator from the other side asked the General Accounting Office to do a study, a full-blown study on whether any NEA money went for that, and the answer came back officially, not a nickel, not a penny.

What does the NEA fund?

The NEA funded the Vietnam Wall. The NEA funded "Driving Miss Daisy," the Pulitzer prize winning play that so many of you have enjoyed as a film.

The NEA funded "Chorus Line."

The NEA funded the Civil War documentary.

Remember those wonderful television shows, "Great Performances" and "American Masters?" NEA.

Some of you probably saw the traveling museum exhibits of the last few years, the Treasure House of Britain. NEA.

Perhaps you saw the traveling show, the Art of Paul Gauguin. NEA.

Do you remember Cleopatra's Egypt as it traveled around the country and enlightened our lives and museums? NEA.

Out in Oregon, senior citizens have a thing called the Senior Theater Ensemble. NEA.

In Detroit they have a group called the Oldsters. NEA.

In Washington State, the International Children's Festival. NEA.

That is what NEA funds, not pornography, not obscenity. The NEA supports artistic excellence.

Mr. Chairman, I yield 4½ minutes to the gentleman from Michigan [Mr. CARR], chairman of the congressional arts caucus.

Mr. CARR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is an important debate. A lot of people think that it has been trivialized, and I agree with them.

Our country stands for liberty and freedom. You know, I think it is very fitting that the symbol of liberty and freedom in this country sits in New York Harbor. It is a sculpture. It is a statue, the Statue of Liberty. Freedom and liberty are the core value of our society. Inherent in freedom and liberty is the notion that we are going to take some risks. We are going to take some risks that some are going to exercise their freedom and liberty in ways that we might regard as irresponsible. We take a risk that someone is going to exercise freedom and liberty and expression in ways that we certainly would not want and we would not do ourselves, but there are some people in our society, and some of them are represented here in the Congress, who do not want too much liberty and too much freedom. The thought police of America are represented in this Congress. The thought police are represented here and are trying to restrict artistic expression in America today.

As Maya Angelou, the outstanding artist, writer, and woman of letters stated: "Art poses the question of conscience and morality. It does not answer it."

Mapplethorpe may have posed questions. He did not answer them.

Serrano may have posed questions. He did not answer them.

The American public opinion will answer them and the American public opinion is strong enough, free enough, with liberty to make its own decisions about works of art.

The NEA cannot control creativity. It can only foster it.

To be honest, Congress really ought, using first amendment principles, to ensure that all expression is funded.

As Kathleen Sullivan, professor of law at Harvard University stated recently:

> Government may no more bribe citizens to surrender their most precious liberties than it may compel them. Congress may no more bribe Andy Warhol to paint like Wyeth than it may outlaw pop art; either way it creates a world that is safe only for landscapes.

You know, there was a time when jazz was considered dangerous. In the 1920's, the antijazz movement was very strong. Chicago even passed a law that forbade the playing of trumpets and saxophones after dark. Jazz was thought to be decadent, its improvised form viewed as an assault on discipline. Certainly the work of Manet and Matisse and those of Jackson Pollack were not readily received. But we take risks. This is a country of freedom. It is a country of liberty and it is un-American, to be sure, to try to restrict the expression of freedom and the expression of liberty.

The chairman mentioned Garrison Keillor. He did not mention that Garrison Keillor was also funded by the NEA in his early career, and that extraordinarily popular "A Prairie Home Companion" radio show was begun with NEA help.

□ 1530

All governments have given medals to artists when they are old, saintly, and almost dead. But 25 years ago the Congress boldly decided to boldly support the arts, support the art of creation, itself, to encourage the artists who are young, vital, and unknown, very much alive and probably, therefore, very dangerous. This courageous legislation has changed American life and ought to continue.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I feel sort of inadequate coming here this afternoon because I am not one of those cultured people who can stand up here and tell you about all these different artists, all these different authors, all these different actors and all of that. But I have got a few things to say about this, and I thought this would be the right time to do it because I think we all get a little bit carried away.

Art is the public expression of emotion. Somehow or another, it seems to me we have all come to the conclusion we are going to be artists this afternoon and have great public expressions of emotion.

I was sharing some thoughts with people who happen to be strong supporters of the National Endowment for the Arts, and they said, "Well, can't you control on the floor what amendments we have to vote on?"

I looked at them, and I said, "Just a second. Those of you who believe in the freedom of expression and freedom of speech, for gosh sakes, should we not be allowed to have that same freedom of expression and speech on the floor of the House of Representatives?"

I do not agree with everything the gentleman from California is offering in terms of his amendments, and we have had good discussions about them, but he has every right to discuss them, and we in this Congress ought to be more than willing to have a full and open debate about what they are.

Where I struggle with his amendment and where I struggle with the issue of the National Endowment for the Arts is, what does it all mean and what is its purpose?

I come from a small town, very rural. As a matter of fact, I had a girlfriend in college, she used to take me to plays and concerts. She said the reason she did it was because I needed culture.

So for 10 years I have been in the Congress, and I tried to get the National Endowment for the Arts, now in its third reauthorization, to pay a little attention not to the artists in Washington, DC, New York, and Hollywood, but very frankly pay a little bit of attention to promotion of art around the country and the artists who have not even heard of the process that presently exists for applying for a grant, or taking the productions that exist in the artistic world not to the Kennedy Center but taking them to Whitehall, WI, where the people of my district might be able to see them.

And I tell you that because I think that is significant in the bill that is in front of us, because we are making trends in that direction finally.

The National Endowment for the Arts would not do it by itself. So now we are going to mandate that there be a special section of grants for the inner cities and for the rural areas, and I think that is important.

We are going to get into this whole question of censorship.

I took a tour around the Capitol of the United States and went to the Rotunda and took a look up there at the dome and the artwork up there, and you see all kinds of naked people doing a lot of things that I cannot even explain to you. You can go into the Republican leader's office, BOB MICHEL's conference room, and you sit there and you see little children with

no clothes on, but with wings. I do not know if any of that is pornographic or not, but I think most people would tell you that it is artistic, for certain.

I bring that up because it seems to me the real issue in the National Endowment for the Arts is not whether we in the Congress of the United States are going to decide what is called true and what is not, that we are going to be the censors or not the censors of what America's public can see, but rather that we talk about governmental process of supporting the arts.

That is why, when we get into the debate on the Williams-Coleman substitute, I am going to rise in support of that particular substitute because it makes the most comprehensive, dramatic reforms in the operation of the National Endowment for the Arts and preventing those few abuses which have put a black mark on what is otherwise a good agency with a good purpose.

And I call to the attention of all Members, liberal and conservative, Republican and Democrat, take a good look at that substitute because it will solve the problems procedurally, without getting into censorship, that we all desire.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr Chairman, the legislation before us is a smokescreen. It will be purported that the legislation is all fixed up. It is fixed all right—a fix that allows the junkies to continue to peddle their depraved and sadistic wares with impunity.

If they do not get their grant, they sue the NEA, screaming censorship. I enclose for the record an article from the Los Angeles Times.

[From the Los Angeles Times, Oct. 11, 1990]

FROHNMAYER DENIES 'NEA 4' GRANT APPEALS

(By Allan Parochini)

The National Endowment for the Arts has rejected appeals by four controversial performance artists denied fellowships last month. The denial apparently sets the stage for a lawsuit challenging the grant rejections as illegal because political standards were applied to an artistic decision.

The decision in the case of the so called "NEA Four" by NEA Chairman John E. Frohnmayer was disclosed Friday by the Center for Constitutional Rights, a New York City public interest law group that represents the four artists.

Affected were appeals by performance artists Karen Finley and Holly Hughes of New York; Tim Miller of Santa Monica, and John Fleck of Los Angeles. The work of Hughes, Miller and Fleck is political and gay in its orientation. Finley's is stridently feminist, with strong political overtones. Most of the artists occasionally employ onstage partial nudity as part of their work.

Denial of the appeals by Frohnmayer had been widely expected. Official word of the denials was conveyed in letters to the four artists from Randolph McAusland, acting NEA deputy chairman for programs, received by the artists on Friday. The NEA declined to comment, but lawyers for the artists released copies of the official endowment letters, dated Aug. 17.

"This only underscores that we are being punished for the controversial content of our work." Finley said in a prepared statement issued by her attorneys. "The government wants art to be propaganda for the State and we're not willing to do that."

The letters said Frohnmayer denied the appeals by all the artists except Miller under the chairman's overall authority to "support projects which meet the highest standards of professional and artistic quality."

Miller's appeal, the letter said, was denied on the technical grounds that one of his letters of recommendation—from Los Angeles Festival director Peter Sellars—was never received by the NEA. Miller has said in the past that he discussed the status of his application on several occasions with endowment officials before a deadline for the documents had lapsed and was informed his file was complete.

David Cole, a Center for Constitutional Rights lawyer handling the appeals on behalf of the artists, said all four of his clients would file suit in federal court in either Washington or New York to challenge the NEA decision.

Denial of the appeals was the latest development in a controversy that dates to last May when the NEA's advisory National Council on the Arts voted to delay an advisory vote on 18 performance fellowships until early August. The original vote to delay consideration was taken after a newspaper column published a biting description of Finley's work and conservative politicians made it clear they would make an issue of any NEA fellowship awarded to Finley.

While National Council on the Arts votes are not binding on Frohnmayer, he is precluded from acting on grant applications until the council has voted. Apparently attempting to blunt a growing political crisis over the performance fellowships, Frohnmayer said in late July that he telephoned national council members and secured their approval to reject the four artists in question before denying the grants.

The NEA has not said how many members Frohnmayer reached in his telephone survey. Several members of the 24-member council have said they were never called. One member told The Times several weeks ago that Frohnmayer never actually discussed the situation with her but conveyed his inquiry through an aide.

At a National Council on the Arts meeting in Washington earlier this month, Frohnmayer ruled out of order at least two attempts to reopen discussion of the fellowship rejections. Frohnmayer said that appeals were under way and further discussion would have been inappropriate.

Cole said he would base a court challenge on the contention that the grants and appeals were rejected on political grounds not because of artistic merit.

All four artists were recommended for fellowships by a review panel of artists and arts officials earlier this year.

Frohnmayer, Cole contended, also "violated NEA procedures in the way that he came to these decisions by not convening the national council and, instead, calling them up individually." The NEA's 1965 enabling legislation indicates that a quorum must be physically present for the panel to act.

"The national council, as a body has never actually made a determination on these applications," Cole contended. "Mr. Frohnmayer made a decision and then called the council members individually and urged them to support him."

Frohnmayer's decision to reject the fellowships in July came within days after he reportedly told a group of arts leaders in Seattle that "political" problems between the NEA and Congress would make it necessary to scuttle the Finley fellowhip application.

However, accounts of what Frohnmayer said at the meeting have varied. Some people in attenadance recalled the Frohnmayer mentioned Finley and the political need to reject grants in detail, others said they remembered no specific discussion of Finley.

Under the legislation before us, it's my understanding that the NEA, just as before, is free to award grants for anything and everything.

If a taxpayer objects, the response is "so sue me." It is like a sleaze who steals your wallet, insults your wife, calls you a bad name when you object, and then says "so sue me—take me to court." Mr. and Mrs. America then have the choice of using their money to litigate against insults to themselves, to America, and to the squandering of their money. "So sue me." What a solution.

I enclose an article from the Washington Post—"Art Gallery: Not Guilty of Obscenity," that outlines just how much and how far that approach will get. It also exhibits an arrogance.

[From the Washington Post, Oct. 6, 1990]

ART GALLERY NOT GUILTY OF OBSCENITY—CINCINNATI JURY CLEARS MAPPLETHORPE EXHIBITORS OF ALL CHARGES

(By Kim Masters)

CINCINNATI.—Oct. 5—A jury of four men and four women took less than two hours today to find the Contemporary Arts Center and its director, Dennis Barrie, not guilty on charges that they pandered obscenity by displaying an exhibit of photographs by Robert Mapplethorpe.

Both defendants also were acquitted on charges that they violated a state law against use of materials depicting nude minors.

"Robert Mapplethorpe was a great artist. It was a tremendous show. We should have never been here in court. . . . But I'm glad the system does work," Barrie said after the verdict.

The crowd at the defendants' table erupted into applause and tears as the last of the verdicts was read. The case was the first in which an art gallery was tried on obscenity charges.

The gallery faced $10,000 in fines, and Barrie faced a $2,000 fine and a year in prison.

All eight jurors declined to speak to reporters and were escorted out of the courthouse as soon as the judge dismissed them.

Roger Ach, the chairman of the arts center board, and Robert Allen, the business executive who sponsored the exhibit, stood and embraced each other. Judge David Albanese angrily ordered them out of his courtroom.

As a clerk read the first "not guilty" verdict in a wavering voice, tears welled in the eyes of Amy Bannister, the reserved spokeswoman for the arts center who had sat at the defendants' table as the gallery's repre-

sentative throughout the two-week proceedings.

The jurors, who had sat expressionless as the attorneys argued the cases and an array of art experts praised Mapplethorpe's work, remained unemotional as the verdicts were read.

After the final "not guilty," the foreman—a stout, square-jawed secretary who wore her dark blond hair in a ponytail—smiled briefly.

Prosecutor Frank Prouty declined to comment on the defeat. "It went before a jury. The jury made a decision," he said.

The gallery and Barrie wee indicted on April 7, the day the Mapplethorpe exhibit opened to record crowds at the arts center.

Local authorities had quietly brought a grand jury through the gallery that morning. Hours later, sheriff's officers swept into the gallery with a search warrant and an indictment. As an angry crowd of gallery supporters chanted outside, police cleared the gallery and shot a videotape to be used as evidence.

The jurors never saw that tape, since the judge ruled that they could consider only the seven photographs cited in the indictment.

The defense had contended that jurors should view all 175 images in the show, including figure studies and pictures of calla lilies. The Supreme Court has ruled that material must be evaluated "as a whole" when determining whether it is obscene.

The obscenity charges were based on five graphic depictions of homosexual and sadomasochistic activities. Barrie and the gallery were also indicted for displaying two portraits of young children whose genitals were visible.

The jury included one college graduate. The rest described themselves during jury selection as working-class churchgoers who had little interest in art. They included a phone company worker, a warehouse manager, a data processor and an X-ray technician.

After the verdict, a mob of reporters surrounded Barrie and defense attorneys Louis Sirkin and Marc Mezibov.

"It's been 17 years that I've been fighting . . . and this is the greatest win," Sirkin said. ". . . We're glad that we go into history as a winner."

Alluding to the famous Scopes trial, in which a teacher was convicted for teaching the theory of evolution, Sirkin said, "We're better than Clarence Darrow. He lost."

Mezibov said he was confident as soon as the jury was selected that the gallery and Barrie would be acquitted. But Barrie said he had his ups and downs throughout the trial.

"The time I felt most confident was when they interviewed those jurors," he said. "They were average, everyday people. Maybe they didn't go to museums but they said there shouldn't be restrictions on adults. I also . . . was encouraged by the way they listened to me when I had a chance to talk to them." Barrie was the final witness for the defense.

He added that "there were some dark moments yesterday" when the judge permitted Judith Reisman, a communications specialist, to testify as a prosecution witness on her "content analysis" of the photographs. The defense had argued that she had no relevant expertise and that her testimony was prejudicial.

Prouty had rested his case after calling only three police officers as witnesses to testify to events in the days before the show opened. He introduced no expert witnesses on Mapplethorpe's merit as an artist. Reisman appeared as a rebuttal witness but not as an art expert. The Supreme Court has ruled that material cannot be deemed obscene if it has serious artistic value.

The Mapplethorpe exhibit set off an ongoing furor over freedom of expression and federal funding of the arts. The controversy was ignited in 1989 when the Corcoran Gallery of Art in Washington canceled the exhibit, which was subsequently shown without incident at the Washington Project for the Arts. The exhibit began in Philadelphia and traveled to Berkeley, Calif.; Hartford, Conn.; and Boston without incident.

The Rev. Donald E. Wildmon, whose American Family Association in Tupelo, Miss., has fought National Endowment for the Arts funding for exhibits such as the Mapplethorpe show, told the Associated Press today: "This is not a landmark, Pearl Harbor decision. This was just another obscenity trial."

In closing arguments earlier today, Prouty insisted that the children's portraits were not "morally innocent," a defense under Ohio law. "Did you ever try to prop some child on the back of a chair and then tell him to spread his legs?" Prouty said, alluding to a portrait of a little boy.

Defense lawyer Mezibov, speaking for the arts center, told jurors that his client was relieved to have them decide the case. "Through you . . . we are going to put to rest once and for all a controversy which has wracked this community."

The previous evening, Mezibov told the jurors, he had watched the first baseball playoff game between Cincinnati and Pittsburgh and was "touched and excited to see this city lit up for the entire country to see. You have the opportunity to light up this city once again."

Instead of sending a message of reprimand, this Congress is rewarding the peddlers of smut by increasing the authorization by $4 million. Let us add it up:

Arrogant lawsuits to obtain grants for support of the obscene art;

Lawsuits paid for by citizens to prevent abuse;

Increase authorizations to fund all of the above.

The arrogance of the art community; the arrogance of the committee in not recognizing a citizens revolt; and worst of all a legacy left to our children of "Piss Christ" and "Looking for My Penis" leaves us no choice but to reject the whole mess.

Maybe we could spend the money on Medicare.

Mr. Speaker, I enclose my response to those who have contacted me about this issue.

ENCLOSURE No. 3

I have basically reserved public comment on the question of offensive pornographic art versus the right of expression until I could devote the time necessary to evaluate the evidence being presented, the views of those I represent, and my own perspective.

In my opinion, the occasional convoluted reasonings of the courts often throw us into great national debates over what appears to be very simple matters. These musings by the courts are often then followed by convoluted reasoning by Congress.

The flag issue, the abortion issue, the arts issue, and the balanced budget issue are examples that the system of the checks and balances works well. In the final analysis, it is the people who will speak and whose wishes will be expressed whether it be through those who have been elected to represent them or through changing those who represent them.

In my mind there is no question that taxpayer abuse in the first degree has occurred. It has been documented that taxpayers paid for administrative costs for a pornographic film festival with such features as, "Looking For My Penis," "Blow Job," and "My Hustler."

It has also been documented that certain arts councils were without guidelines or standards and approved the squandering of taxpayer money on solo performances such as:

A performer smearing her nude body with chocolate and adding bean sprouts to symbolize sperm for a performance called, "The Constant State of Desire."

Another solo performance called, "He-Be-She Be's, where a half-man, half-woman has sex with him/herself.

If this sounds like carnival side show stuff you're right. But the difference is the taxpayers were expected to pay for the tent and the performance. To demand that taxpayers pay for the innovative use of urine and pictures is in my opinion, expecting them to approve of flushing our cultural heritage down the toilet.

Each taxpayer should ask themselves nine questions:

1. Are the arts and artists beyond criticism?

2. Should that criticism result in a form of reduction by a lack of support?

3. Do patrons of the arts select and choose those who they wish to support?

4. Have Government taxpayers become a patron or sponsor of the arts? Is $171 million a sponsorship in taxpayer funds?

5. Do the people (patrons/taxpayers) have a right to reject a policy or a program? If not, what makes them different from other patrons?

6. Should that rejection result in the total elimination of all support?

7. In the alternative, should the program that the taxpayers (patrons) support be responsive to their desires?

8. If a patron refuses to purchase or support certain artists, is that censorship or his right?

9. Can these perpetrators of the repulsive peddle their wares anywhere they choose without taxpayer funds?

In answering these questions, I reject the allegations of censorship. I remind you that western art galleries and museums will not exhibit contemporary art. Galleries of modern art think western art is without feeling and unchallenging. Is that censorship?

Some have alleged that Charles Russell, Edgar Degas, Michelangelo and others have painted some pretty risque pictures. I remind you that "Uncle Sugar," the taxpayer, was not footing the bill then.

I agree that a few Congressmen should not sit as a censorship board. Even though I have had extensive exposure to the visual arts and more than the average to the performing arts, I would not be inclined to say that contemporary art or opera ranked higher or lower than landscapes or comedy.

I would, however, as a guardian of the taxpayer's trust, be compelled to send a broad-based message that the taxpayers and citi-

zens of this nation believe that some of those funds were squandered. That message could be interpreted as, "Clean up your act or else!"

Even with the warnings of public anger and threats of legislative reaction, some members of the arts community insist that they are above criticism. Their response is that under the cloak of art, they can produce virtually anything without any standards of decency applying to them.

The continuance of these excesses will result in elimination of all taxpayer support, so sayeth the taxpayer patron. That would indeed be sad when we consider all the outstanding performances, all the fine art, and all the great public involvement this seed money has generated.

Given these considerations, I will vote for meaningful reform. If reform is not achieved, I will vote against all funding for the National Endowment for the Arts. I do not want my name attached as a patron to a legacy of art that is degenerate, obscene, perverted, pornographic, and exceedingly offensive. Let the artist find another patron, not the taxpayer.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to commend the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Missouri [Mr. COLEMAN] for their work on this reauthorization bill. They have shown remarkable determination and courage in their efforts to reach a compromise on this highly controversial measure.

Nevertheless, I would like to raise some questions about their substitute proposal. A number of its provisions pose serious problems for our country's artistic and cultural future.

The Williams-Coleman substitute excessively punishes NEA grant recipients convicted of obscenity. On top of serving the court's jail sentence and paying the necessary fines, a convicted grant recipient would have to repay the NEA grant and lose eligibility for future grants. They would not be able to apply for a new grant for a minimum of 3 years and until the money is repaid. Court penalties sufficiently punish those convicted of crimes; these extra penalties are excessive. The threat of these additional penalties may very well cause the chill of self-censorship which can stifle the free expression of artists.

This mandatory 3-year minimum debarment—loss of eligibility—is harsher than NEA penalties for other serious crimes committed with agency funds. A discretionary debarment, with a 3-year maximum is set for embezzlement, theft, forgery, bribery, receipt of stolen property, and other serious crimes stipulated in existing 1988 NEA regulations. The 1988 regulations also say "debarment and suspension are serious actions which shall be used only in the public interest and for the Federal Government's protection and not for the purpose of punishment."

The Williams-Coleman substitute poses another major problem. It increases from 20 to 35 percent the amount the NEA gives directly to State art agencies. This increase is extremely unwise.

The President's Independent Commission on the NEA concluded that Congress should maintain the current funding formula. So did the National Assembly of State Arts Agencies, which represents those agencies that would benefit from this redistribution of funds.

The Senate Labor Committee saw the wisdom of these recommendations and reported a bill that maintains the current funding ratio. We must do the same. Increasing the amount of funds going directly to the States will drain funds from the national pot and not necessarily increase resources at the State level. States merely will substitute Federal money for the money they had been giving because this substitute does not require matching grants for Federal funds.

Channeling more money to State agencies will also reduce national coordination currently afforded by the NEA. And it will generate less private funds. In 1988, $119 million in endowment funds generated $1.36 billion in private moneys. Block grants to State agencies have no private matching requirements.

Before dramatically restructuring an effective agency, we should at least, like the Independent Commission, the States, and the Senate recommend, wait until these changes are studied carefully. We are playing with the artistic and cultural future of our country—we should not play carelessly.

Those then are my concerns about the Williams-Coleman substitute.

Because of the context in which we will be considering the Williams-Coleman substitute, with the possibility of other far more destructive amendments being the alternative, I leave open at this time my decision whether to oppose or support the substitute. It is an earnest attempt at a bipartisan compromise, and while it poses many major problems for art and culture in America, it is far preferable to the obnoxious and unconstitutional content-restriction amendment which will be offered by the gentleman from California [Mr. ROHRABACHER].

□ 1540

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING] for yielding this time to me.

Mr. Chairman, the American people have really been outraged by what is taking place because they feel that their hard-earned tax dollars are being used to fund obscene and blasphemous art, and I think that is pretty well the long and short of it. The American people rightly understand that this is not an issue of censorship because no one here is proposing that we outlaw any type of art. What we are proposing is preventing the National Endowment for the Arts from using tax dollars to fund child pornography, obscenity, works denigrating religious beliefs, or an individual's race or sex, and works desecrating the U.S. flag.

Mr. Chairman, I see this as an issue of values and how we want our Government to spend our scarce Federal resources. We should be able to agree that artwork funded by the Federal Government should meet minimum standards. In fact, not only should we agree, I think that this is our duty as people who spend the taxpayers's dollars.

Mr. Chairman, my constituents do not want to see their tax dollars used to fund attacks on religion, desecration of the flag, child pornography or any other such art. In fact, they think that it is outrageous that Congress has even seriously considered such a proposal.

Mr. Chairman, I would like to share with my colleagues just a couple of lines from one of my constituents' letters, and I have received hundreds of letters, just as my colleagues have. This constituent writes:

It is outrageous to think that our hard-earned money is being used to mock and destroy our values and beliefs. At this point, considering we have such a huge deficit, and the talk of raising taxes.

My constituents want Congress to defend our traditional values. They want an end to taxpayer support of art that they see as utterly offensive to the American public and to their values.

We are moving into a world where values will be debated, and basically what we are doing is debating more than art here. We are debating values.

In my opinion, when someone looks at art, art should be uplifting. Art should lift people's spirits and people's inspiration. This art does not do that, and I think basically that is what many of the American people are saying also.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I rise because the previous speaker, the gentleman from Wisconsin [Mr. ROTH], was, I think, misunderstanding, perhaps, what we are trying to do in our proposal. All of the things that he said I hope he does not attribute to being contained in our proposal because we stand foursquare against child pornography in our proposal. We do not believe that under

the reform systems that we are putting in place, with the new advisory committees that are going to be not only made up of artists anymore, but of nonartists and people from all walks of life, all parts of the country, different ethnic makeups, and try to put the pluralism in the very threshold question of the people who will determine what is artistic excellence and what is artistic merit.

So, Mr. Chairman, the effort under the Williams-Coleman proposal to sift our various works that have gone through the old system I think is sufficent to assure, with the language which we have already noted, that that type of activity will doubtfully ever be funded under the circumstances that we think are in place under our proposal.

Mr. Chairman, one of the things that a lot of Members have talked to me about and one of the things from the gentleman from Wisconsin [Mr. GUNDERSON], who was originally one of my sponsors of the Republican alternative, was to try to get away from a national effort here solely organized, and controlled and looked at as a national NEA. Because, as I mentioned earlier, there is a significant role for the States to play. Not only is there a significant role, but I think, when we get into this issue of values that the gentleman from Wisconsin mentioned, by shifting some moneys from the national NEA to the State councils, that will better reflect the attitudes of that particular community and State as to how they do want their taxpayer dollars to be spent in this area, and it makes more sense to me that individual artists and institutions will have a better chance at getting a grant that reflects Missouri values, Montana values, California values, or Wisconsin values at the State level as opposed to competing nationally with all other States up here.

So, under current law there is a distribution formula back to the States of 20 percent. One of the things that I asked for before I could come to the floor to support a bipartisan compromise was to shift some of those funds from the national office, the 80 percent, to the States. And we have accomplished that by increasing that State basic grant from 20, to 25, to 27½ by the third year of this authorization. We also create a competitive grant that the chairman of the Endowment will have control over deciding which States will receive it, but it increases a new program of access to the arts for inner cities and rural areas of 5, building to 7½, percent by the third year. So, combined we have 27½, 7½, or 35 percent.

Mr. Chairman, that might bother some people, but I think for those of us on our side who look for decisions to be made more at a local level and to reflect these types of values that this is a plus and a reason for people to support the Williams-Coleman substitute on this side of the aisle.

Let me also state that, because of the debate being limited on these other proposals, that we are creating new programs for access, and I think the television productions that we recognize, such as "Civil War," are the types of productions we are talking about. As my colleagues know, when people talk about the NEA doing such bad things, let us not forget they do some very mainstream things. I see my colleague from Missouri. They paid for and helped assist the George Caleb Bingham paintings to be brought to Washington, DC, and to be exhibited throughout the country. That was done on an NEA grant.

Mr. Chairman, it is that type of mainstream efforts that we are not going to focus on today. They are very, very important: Local symphonies, support for local opera, or perhaps the college back home. A lot of people utilize this in areas to create tourism and an attraction for economic development, if my colleagues will, such as a small theater in that community, perhaps an arts project, perhaps something to attract people to that little community so that maybe they could put it on on their own, all with some seed money from the NEA.

So, there are some things in the Williams-Coleman substitute, and I want to emphasize at this point, moving some money, not increasing the money, but moving some of the money from the centralized location to a more decentralized location of the States.

We also are a little concerned about some of the staffing at the Endowment, and we have asked for some GAO studies to report back to us about their use of independent contractors and consultant so we do not have a revolving door at the NEA and to make sure these decisions are made on artistic merit alone.

□ 1550

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 4825, legislation to reauthorize the National Endowment for the Arts, National Endowment for the Humanities, and Institute of Museum Services as represented by the bipartisan compromise of Representatives PAT WILLIAMS and THOMAS COLEMAN.

I strongly believe that NEA has been a critical component in furthering the arts over the last 25 years. The NEA has repeatedly fostered creativity, encouraged programs which have greatly enriched our society as well as individual artists who have done the same. Further, the NEA has prevented the dissolution of institutions such as the American Ballet Theatre. All of these efforts have been clearly in the public interest.

I believe that NEA has performed admirably and should continue to carry out its clear mandate without restrictions that could well compromise its historically high performance standards.

The arts and humanities have a profound impact on how we perceive each other and on how we live our lives. As our country becomes more culturally diverse and less cohesive, the arts and humanities have a unique opportunity and responsibility to reflect our changing society accurately and fairly. Needless to say, the NEA is essential to meeting that challenge.

Millions of Americans have benefited from the Government's patronage of the arts through NEA, which has supported such Public Broadcasting television series as "American Playhouse," "Live from Lincoln Center," and "Dance in America." Since 1965, professional dance companies, opera companies, and orchestras have proliferated in this country because of NEA support. In addition to the American Ballet Theatre, the NEA also supports the critically acclaimed Dance Theatre of Harlem.

NEA supports local, nonprofit theater productions, many of which have become Broadway and Hollywood successes. In fact, the last 11 Pulitzer prize winning plays were developed at NEA funded nonprofit theaters.

It is unfortunate and unjustified that recently, the NEA has been under attack because of a few publicized cases. But in all fairness, of the 85,000 grants awarded by the NEA since 1965, fewer than 20 have been controversial.

Critics have focused on these few exhibits and have accused the NEA of supporting obscenity. Mr. Chairman, that is baloney. Neither the NEA nor the arts community at large supports obscenity. And I question whether certain Members of Congress can or should try to determine what is or is not obscene.

To those Members of this body who fit that category I quote the writer James Baldwin, who once said:

> I think the artist is a disturber of the peace. He is produced by the people, because the people need him. His responsibility is to bear witness to and for the people who produce him * * * you have to bear in mind that everybody wants an artist on the library shelf, but no one wants him in the house.

Not all people are going to agree on what is in good public taste. And many people might find some exhibits in question to be offensive. But in on our system of government, only our judiciary can and should determine the inherently constitutional issue of obscenity.

Now let me say at this point that I am totally against the Crane amendment to abolish the NEA.

Through Federal funding of the arts, the country's most significant artists and artistic events can be brought to the far corners of our Nation and the experience shared by citizens countrywide.

Federal funding for the arts is necessary to ensure that the arts reach their full potential as a major force in our society, contributing to our national progress.

Federal funding for the arts can play a major role in facing the national crisis in education by inspiring our youth, instilling knowledge, skills, values, discipline, spirit, and imagination.

As chairwoman of the Government Activities and Transportation Subcommittee of the Committee on Government Operations, I am particularly interested in these issues, since we have oversight jurisdiction of the National Endowment for the Arts. In that capacity, I have held public hearings on how well all ethnic groups are included in our arts and humanities programs.

Mr. Chairman, the arts are crucial to the enrichment of our society and our world. As such, I urge my colleagues to vote "no" to the Crane amendment and join me in the support of the reauthorization of and appropriations for National Endowment for the Arts.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, it has been my observation that every dollar's worth of Government spending of the taxpayers' hard-earned money brings with it 1 million dollars' worth of audacity and presumptuousness. In this debate, the most audacious presumption of all is the presumption that without the National Endowment for the Arts, there would not be a participation in and enjoyment of a rejoicing in the arts in the United States.

Mr. Chairman, that presumption is ludicrous. The American people enjoyed the arts, produced the arts, and participated in the arts long, long before the existence of the National Endowment. So if in fact there is going to be Government spending on the arts, it is not a question then of how much art will we have and enjoy, but what will be the nature and the type of the art that we will enjoy?

Mr. Chairman, I would suggest that nobody spends somebody else's money as wisely as they would spend their own, and that is certainly true in this case.

Last year alone there were 18,000 people or organizations that made application to the National Endowment for the Arts. Five thousand of those were granted. Thirteen thousand were not.

Are we to believe that none of those 13,000 artistic endeavors that were denied funding by the U.S. Government's agency ever took place? Are we to believe that each of those 5,000 that were funded should have taken place instead? Are we to believe that none of the 5,000 would have taken place without the grants?

I think not. I think it is time to end this intrusion into freedom of expression in the arts. Vote for the Crane amendment.

I appreciate this opportunity to pass along my thoughts regarding the future of the National Endowment of the Arts, and to discuss the volatile mix of taxpayer money and artistic freedom in a somewhat reasoned setting. Until now, the nature of the discussion has been anything but reasoned.

Those of us who question whether or not tax dollars should be used to fund individual artists or organizations in the self-described arts community, or whether such spending should be subject to limits that reflect the sensibilities of the American taxpayer, have been the focus of strident ad hominem attacks. I have had the distinction of being called in the media "petty moralist," "public pinhead," "trogodyte," "philistine," "bozo," "fascist," and, of course, "censor" by advocates of no-strings-attached Federal spending on art. And I know that some on the other side of this issue have been charged with willfully funding pornography, which never goes over big with the votes back home.

In reasonably addressing the future of the National Endowment for the Arts, we must ask outselves three fundamental questions:

First, is it the proper role of the Federal Government to grant money to individual artists, arts organizations, and the more traditional fine arts?

Second, if a majority of Members of Congress feel it is the proper role of the Federal Government to fund these individuals and groups, do we have the resources to do it in an era of $200-plus billion deficits?

Third, if funding individual works of arts and performance art is of such high priority, should the Congress have the right to impose standards on works of art which will be funded.

It is no coincidence that freedom of speech is protected by our Constitution's first amendment, for it may be our most important right in America. Anyone who values freedom of expression as deeply as I do should find abhorrent the very existence of a Federal panel charged with determining what art is worthy of funding.

When last year Senator HELMS passed his Senate amendment barring certain types of artwork from receiving taxpayer funding, he was branded a censor with lightning speed. The distinction between his proposed denial of funding and the denial of expression was deliberately ignored.

Let's look at this curious contention that withholding tax funds from certain artists is censorship. According to the budget director at the National Endowment for the Arts, the NEA received 17,879 grant applications in fiscal 1989. They chose to fund 4,372 of these. In the language of the demagogues in the arts community who denounce Senator HELMS, the NEA censored 13,507 artists last year. Doesn't that have a chilling effect on the arts community?

Throughout last summer's debate, many outside Congress who opposed content restrictions on NEA grants argued that Federal grants were important because they constitute a stamp of approval that enables an artist to receive greater funding in the private sector. Doesn't that scare any of you? Don't you find it frightening that a Government agency is putting its stamp of approval on what is acceptable art, art which is worthy of funding?

Unfortunately, those who cry out for Government funding of individual works of art in one breath and shout "censorship" in the next refuse to acknowledge the inherent contradiction in their actions. The bottom line is the bottom line. They don't want freedom of expression, they want the money. They care less about freedom of expression than they do about the greenback dollar.

If, however, you accept the premise that a Federal agency should spend taxpayers' money to fund individual works of art, you must put it in the context of a Federal budget with competing demands on limited resources. Then the question becomes, "when we have a projected Federal deficit in excess of $200 billion can we afford to spend $180 million on art?"

Some say that figure is a mere drop in the bucket, but how many homeless families could be housed with $180 million? How many scientists could continue researching a cure for AIDS? How many veterans could be given vouchers to allow them to purchase high-quality medical care closer to their homes? How many fledgling democracies might be assisted? How many new law enforcement personnel could be enlisted in our war on drugs? Or how many taxpayers would appreciate some tax relief and deficit reduction?

Surely funding for museums, individual artists, opera productions, city orchestras, and plays would be high on Maslow's Pyramid of Human Needs, which may be why those who take advantage of their availability tend to be the more privileged members of American society. In other words, spending tax dollars to fund works of art amounts to an inequitable transfer of income from lower and middle-class taxpayers to indulge the less urgent needs of society's more privileged class.

It is this Congress' job to prioritize spending, and I would strongly suggest that funding any artistic activity is at or near the bottom of most taxpayers' priorities.

But, if the majority in the House determine that their constituents deem funding for the arts community a national priority, then the question is, "should the National Endowment for the Arts be held accountable for how it spends tax dollars?"

Boom! This is the explosive question at the center of so much heated debate and rhetoric.

One of my distinguished colleagues summed up the conflict earlier this year by saying "the Federal Government should not diminish the artist's right to offend," but that

on the other hand, "Taxpayers have a right to determine how their money should be used."

I cannot see that conflict here. The indisputable right for an artist to offend the public is different from a claimed right to offend the public at public expense. No one ever contended that Andres Serrano should not be free to urinate in a jar and then take a picture of a crucifix submerged in his urine and call it art, but I do not think taxpayers should be forced to pay for it. It is just that simple.

So, how do you protect the taxpayer from such abuse? Obviously, the easiest way is to abolish the agency and rid ourselves of the heart of the problem. Barring that, the answer becomes less clear.

Many artists felt the NEA was being unfairly singled out for congressional oversight during last years' debate when in fact, every agency in the Federal Government is subject to such oversight. What distinguishes the NEA and its grant recipients from all other Government agencies is its assertion that it be exempted from such congressional oversight.

Many advocates of no-strings-attached Federal arts funding assert that war is too important to be left to the warriors in the Pentagon. Then they assert that art is more important than war, but art should be left to the artists. And not all artists should determine spending priorities at the NEA, but a small clique on the fringe of the art world, sometimes known as the avant garde, but which I prefer to call the looney left.

I do not believe we should spend NEA money for the enjoyment of artists. I believe we should spend NEA money for the enjoyment of the public, if we spend it at all, and that NEA grants should reflect the public's sensibilities and values.

Obviously, defining what the public's sensibilities and values are is a tricky business. It is a business more easily conducted at local levels, where the sense of community standards is readily identifiable. In this regard, the best way to ensure that Americans are given the opportunity to enjoy works of art, to ensure that rural communities across America can still have access to the fine arts, and to reduce the possibiity that tax dollars will be used in a way that denigrates rather than lifts the human spirit may be to grant NEA funds to individual communities for them to spend.

I am very disappointed that Congress has allowed this controversy to continue for much too long and hope that we will do right by the taxpayers today.

Mr. WILLIAMS. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Texas [Mr. ARMEY], the previous speaker in the well, has said in his judgment it is ridiculous to assume the National Endowment of the Arts assist the arts in America, and he is simply wants to do away with it and turn it over to the free market system.

We have heard that agrument a great deal during the 1980's. It is called in a word, "deregulation." We deregulated the airlines. We deregulated the savings and loans. The tops are peeling off of planes. The sides have fallen out of the savings and loans. Now they want to deregulate the small efforts that the Federal Government takes in assisting the arts under the promise that we will all be better for it.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I think the American people ought to understand what we are talking about. One line of the amendment offered by my friend, the gentleman from California [Mr. ROHRABACHER], prohibits funding "for works that denigrate the beliefs or objects of a particular religion."

Well, the Merchant of Venice has an anti-Semitic theme. Does that mean that the National Endowment for the Arts would not fund performances of the Merchant of Venice?

How about Shakespeare's Othello? That has, some critics say, a racism theme. This amendment would deny funding to a theater company to produce Othello.

How about "The Sound and the Fury" by William Faulkner? In the Sound and the Fury, the act of incest takes place. These people would have turned down William Shakespeare and William Faulkner, that's what we're talking about.

Mr. Chairman, what we are talking about and what we are seeing in the House today is very simple: this is book burning in America in 1990. This is what this is all about, and this amendment is brought to you by the book burners in the country and in the Congress.

The Congress cannot set standards for someone who is going to paint or dance or write or sing or compose. These are acts which are creative and occur independently of any rules we may write. We cannot set out preconditions for artists.

The NEA has made about 85,000 grants in it's history. About 20 of them have been controversial. Only about 20. Our country, unhappily, has a dark side to it sometimes, a mean side. This amendment appeals to the darkest and the very meanest side of America. It appeals to ignorance and to bigotry and to fear and to prejudice. That is what this amendment is all about. It is brought to you by the very people who want to deregulate everything that ought to be regulated, and want to regulate everything that ought to be deregulated.

It is not the art that is offensive, it is the amendment that is deeply offensive. This country finds itself in the grip of an economic crisis. A fourth of the students who graduate from high school cannot read. Thousands of people sleep on our streets each night. And what are we talking about? Dirty pictures.

I think this amendment demeans my country. Let us reject it for the mean spirited and narrow effort that it is.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, are we to believe that this Government should not set any standards so that our tax dollars can subsidize the most violent anti-Semitic and anti-Christian works, as long as someone calls themselves an artist? Is that what we are hearing? Those of us who want to set some standards, so you cannot have a picture of someone defecating on the Star of David, that we cannot prevent our tax dollars from subsidizing those things?

I think that we can say that the people are permitted in this country, because we do believe in freedom of speech, a broad freedom to express their views, to express their creative talents, but that when it comes to the Federal tax dollars, that we have a right to set a standard. That makes common sense.

The American people do not want us to buy bullhorns for the Nazi Party in order to "preserve freedom of speech." Yet Nazis have a right to speak. But they do not have a right to expect a Federal subsidy in order to promote what they want to speak about.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, America's most obscene works of art are not being debated today, and those are the budgets that are screwing the American taxpayer. But this is an important vote, an important rights issue.

Mr. Chairman, I can recall agonizing over the flag vote. I decided to vote for Old Glory to set her apart. I felt patriotism and national pride warranted that, to put her in a category all by herself. I did not think that anybody had to exercise their first amendment privilege by fornicating on Old Glory in Central Park.

But censorship fails. It fails. Suppression of any kind has no place in a free and participatory democracy.

I want to say here today, everybody seems to be bashing the gentlemen from California [Mr. ROHRABACHER] and Illinois [Mr. CRANE]. I stand here today to commend them. I think that they're going to win today, regardless of the vote, because they brought to the consciousness of America some crazy business going on. Hopefully some day someone will not be strapping a Stinger missile to their back citing a second amendment privilege because of the gentlemen from California [Mr. ROHRABACHER] and Illinois [Mr. CRANE].

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But I am going to say this, if we could spend billions on military acade-

mies, we could spend pennies for the arts. Coleman-Williams gives the juries of our Nation, a system that works, an opportunity to make that decision. That is protection.

But I say to the gentlemen from California [Mr. ROHRABACHER] and Illinois [Mr. CRANE] that they are great Members, and I think they will have helped this country regardless of the vote. So I am not here to bash them. I stand to salute them.

Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes and 30 seconds.

Mr. Chairman, I enjoy watching a religious program from time to time on television. Last week I tuned in, and unfortunately, I am not sure whether I will tune in again, because at that time the reverend had a reporter supposedly from Washington, DC, reporting on the Coleman-Williams amendment or substitute. He misrepresented that substitute about as badly as any misrepresentation I have ever heard, and then the minister proceeded to announce the name of the four or five, he missed a few of us, who were involved in trying to put this substitute together. As I indicated, it was certainly the worst representation I have ever heard of actually what is in a piece of legislation.

As the ranking member of the Education and Labor Committee, I have joined the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Missouri [Mr. COLEMAN] today in bringing to the House floor legislation which reauthorizes the National Endowment for the Arts. I did that because I believe that there are so many good things that we can say about the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services.

It has been mentioned on several occasions that we just saw on television "the Civil War," a beautiful portrayal, if anything as horrible as that period can be beautiful, and that was financed by NEH.

Since the last reauthorization, the Humanities Endowment has engaged in a broad study, "The American Memory," a report on the state of the humanities in the Nation's public schools. It made key recommendations regarding the teaching of history, literature and foreign languages.

In my district in Pennsylvania, by way of example, Dickinson College received a challenge grant to support the establishment of an endowment for language and area studies and to support visiting professorships in cross-cultural studies. A constitutent recently received support for a research study of jazz history of the New Grove Dictionary of Jazz.

In its 25-year history, the National Endowment for the Arts has supported the work of talented artists and art organizations of high merit. We happen to think that the Capitol Hill Choral Society is one of those, of which I am the president, and many of the staff workers from Members' offices sing in that Capitol Hill Choral Society. We have received a $5,000 grant. What do we do with that? We exercise our opportunity to showcase some outstanding artists who otherwise would not have been showcased. One, a blind young lady with a beautiful coloratura voice, has performed for us as a soloist on numerous occasions, and perhaps we have helped her with all of her disabilities to realize a life's ambition.

Mr. Chairman, as ranking member of the Education and Labor Committee, I join Mr. WILLIAMS and Mr. COLEMAN today in bringing to the House floor legislation which reauthorizes the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services. This legislation is a straight reauthorization of these Federal programs, with levels of funding proposed by the administration.

During its 25-year history, the National Endowment for the Humanities has enriched the history and culture of our Nation. The NEH is the primary Federal sponsor of our cultural history. No recent event better proves this point that the broadcast of the Ken Burn's documentary, "The Civil War," on public television. This NEH sponsored program enjoyed the largest audience in the history of public television and demonstrates the capacity of publically funded programming to touch the lives of millions of Americans.

Since the last reauthorization, the humanities endowment has engaged in a broad study the "American Memory," a report on the state of humanities in the Nation's public schools. It made key recommendations regarding the teaching of history, literature, and foreign languages.

The NEH supports the humanities in countless quieter ways: It sends a teacher to a summer seminar; it enables a scholar to visit an archive; it helps a college endow a professorship; it gives a historian time from the classroom to finish a book.

These are both large and small grants, from a few hundred dollars for a high school teacher to study the literature of black Americans, to multimillion-dollar grants to libraries or universities.

In my district in Pennsylvania, by way of example, Dickinson College received a challenge grant to support the establishment of an endowment for language and area studies and to support visiting professorships in cross-cultural studies. A constituent recently received support for a research study of jazz history for the New Grove Dictionary of Jazz.

The Institute for Museum Services in the only Federal source of operating support for our Nation's museums. It supports the operations of thousands of institutions: zoos, children's museums, natural history and science museums, and arts museums and technology centers. Since 1976, IMS has supported over 10,000 projects, including conservation activities, staff development, technical assistance to local, State, and national museum organizations, and many others. The IMS supports those museums which serve over 600 million people annually, that is, roughly three times our population. The IMS is an important Federal agency and will work to strengthen museums and other institutions for years to come.

In its 25-year history, the National Endowment for the Arts has supported the work of talented artists and arts organizations of high merit with Federal support leveraging billions of private dollars. Since 1965, the arts have flourished in America and much of this has been due to the support of the NEA. The growth in the number of museums, dance and theatre companies, and the growth in the number of Americans who enjoy the arts has been phenomenal. In 1965, there were 375 art museums in America: today there are over 700. Opera companies have grown from 27 to 120. Theatrical companies have more than doubled, and small publishers have increased fivefold.

A mushrooming State, local, and regional network of support for the arts has developed as a result of the NEA's support. Fifty-six State arts agencies now serve the 50 States and the territories. This year $34 million in NEA grants will be matched by State appropriations totaling $244 million.

In Pennsylvania, NEA support has covered a broad range of activities, from a $300,000 grant to support the public television series "Wonderworks," a high-quality children's series, to a $9,800 grant to International House in Philadelphia to fund a traveling exhibition on traditional craftsmanship to the Delaware Valley of Pennsylvania.

Grants go to Pennsylvania for rural arts; an Afro-American Historical and Cultural museum; a catalog of 19th- and 20th-century American art; programs for inner-city youth; a jazz festival; and support for a youth ballet foundation.

Despite a strong record of support for the arts, the arts endowment has been under attack from critics for the past 18 months over the controversial funding of works which have offended common sense standards of decency. These grants represent a small number out of the 85,000 grants made by the NEA in its 25-year history. However, I cannot condone the funding of even minor exceptions to the rule, when this funding results in works or productions which offend public standards of decency or are not sensitive to the beliefs and values of the American public.

This is why I will support the Williams-Coleman substitute today which makes the most basic and substantive reforms to the National Endowment for the Arts in its 25-year history. I can support a reformed NEA, an endowment which is more accountable to the public in its decisionmaking process and its grant awards. I believe that these reforms will allow the NEA to get on with its essential business of expanding access to the arts for Americans and of enriching the lives of millions of citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I have here a written state-

ment which contains quite a number of listings of NEA grants that were received by people within my district. I am not going to read them, but I am certain that every Congressman could present the same kind of list of numerous positive projects that have benefited people at all levels, school-age children, adults, everybody.

Some 80,000 projects have been funded by NEA since its inception, and only 25 of those 80,000 have aroused any controversy whatsoever. This is clearly a program that benefits America. This is clearly a program that we need more of and not less of.

The problem is that a few loudmouths and a few people who are very skillful at fanning the flames and leading us into diversion have commanded the media and the press and generated a stampede. Unfortunately, we have a compromise here which I do not particularly like, but I am going to vote for it because the stampede has been so successful that it is going to be necessary to compromise in order to keep the program alive.

Let us realize that while I do not question the sincerity of any Member of Congress, in total this whole stampede has been a diversion from very serious matters. It serves to divert us from the real obscenities in our Nation.

Webster defines obscenity as anything that is morally repugnant. There are a whole list of morally repugnant national matters that we ought to be concerned with.

It is not by accident that I make the following associations: We know the name of Charles Keating because Charles Keating now is one of the leading S&L kingpins, a master crook, a master thief who has stolen billions of dollars from the guaranteed deposits in savings and loan accounts under his jurisdiction. But Charles Keating was also known before as a crusader against obscenity.

Mr. Chairman, I am proud to speak this afternoon in strong support of reauthorizing the National Endowment for the Arts. One of our former presidents once said:

"Artists stretch the limits of understanding. They express ideas that are sometimes unpopular. In an atmosphere of liberty, artists and patrons are free to think the unthinkable and create the audacious.* * * where there's liberty, art succeeds. In societies that are not free, art dies." From whom I quote? Not from one of our liberal Presidents, but from one of the most conservative Presidents of our time, Ronald Reagan.

I stress that point because the debate over the relative merits of the NEA has been centering on the wrong issues. It has been centering on what a very few artists have been doing with their grants and whether or not the works of arts they have created are appropriate or decent. We are not artists. Very few of us would claim to be experts on art. So how can this body sit in judgment over the content of art and even attempt to deem it appropriate or inappropriate or good or bad.

As Mr. Reagan and thousands of other people who are knowledgeable about art assert, artists create art to reflect society, to explore societal ideas and concepts. They do not choose only those ideas which are comfortable and acceptable to us. If they did art would be universally boring. There would be nothing new, nothing daring, nothing to make us think about the art itself and about what it is reflecting.

A person who grew up in the savage ghettos of an inner city, who lived in run-down housing projects and went to school in a crumbling, rat-infested school, it is not going to paint pretty pictures of landscapes and fruit bowls, and frolicking kittens. That artist's portrayals are more likely to reflect the experiences of his or her life and the anger of being shut out from the prosperity apparently being realized elsewhere in society.

This art reflects things that are happening in our society, and closing our eyes will not make those things go away. Such art can help us recognize other influences in our culture, and even help us understand them. And if it does not help me or you specifically, you can be sure that it is helping someone, somewhere, who can relate to it.

Artistic freedom enables us to depict images and realities which may or may not be offensive, but which help us explore influences in our culture that we would otherwise not experience. An image or a picture or a book can travel places and effect people all over the world. People who live in remote communities, even in the United States, may have access to a library program which contains books of stories or books of art or musical reproductions which can allow the people in that community to explore the arts and to witness the reflections of people from all corners of the world.

The NEA has financed many programs which promote access to the arts for people who otherwise would not be able to experience art. These programs may include bringing a dance troupe into rural areas on a tour, or it may include sponsoring a musical exploration program for poor students in the inner city.

In my district in central Brooklyn, the NEA has funded many small and worthwhile community programs. One such program is operated through the Bedford Stuyvesant Restoration Corp. This program consist of art workshops, weekend youth programs, art exhibitions from around the world, dance classes and exhibitions, theater productions, writers workshops, or poetry readings. Students who have participated in these programs have gone on to study at such renowned institutions as the School of the Visual Arts and Pratt Institute. The center received a $36,000 grant from the NEA last year to help fund this multicultural center. With such programs, restoration has become well known and attracts children and adults from throughout the city to participate in those and many other community-minded programs.

Another cultural program funded by the NEA in my district is new radio and performing arts, a pioneer in the fields of experimental documentaries, contemporary radio drama, and sound experiments for the broadcast media. Endowment support over several years has helped this organization to explore new projects about women poets of color and identify new talents for underrepresented radio themes and contents.

Endowment support to another institution in my district, the Brooklyn Museum, has funded a variety of projects intended to showcase new art forms and smaller programs targeted to the local multiethnic community which seek to increase access to different art forms and encourage exploration of the arts by children.

These and many other worthwhile community programs in my district have been funded by the NEA, and thousands more have been funded nationwide. Mr. Chairman, of more than 80,000 grants, only 20 or 25 have been considered controversial. For this, some Members of this body are advocating that we eliminate the entire program.

Members are rising up in arms because tax dollars have been spent on funding these controversial projects. Mr. Chairman, each taxpayer is responsible for only 62 cents of the total yearly budget for the NEA. Compare that with the cost per taxpayer for each $5 billion B–2 bomber that falls from the sky, or each $20 million rocket that blows up, or the astronomical cost of the $500 billion S&L bailout. Where is the outrage over the cost to the taxpayers of these million and billion dollar black holes?

Members are rising up in arms over supposedly morally repugnant projects being sponsored by the Government. Where is the outrage over the equally morally repugnant problems being created by the Government such as the present situation with the WIC Program which is being cut back to the bare bones, or the housing programs which have been cut more than 60 percent in the past 10 years and caused millions of women and children to live on the streets. And where is the outrage over the morally repugnant waste of Federal funds on the $500 billion S&L bailout, the likes of which we have never seen before and hopefully will never see again. Where is the outrage?

The situation with the National Endowment for the Arts has been blown way out of proportion. There are no rational reasons for restricting this program and there are no reasons at all to eliminate it altogether. This Congress has been stampeded into making wrong and potentially disastrous decisions too frequently in the recent past. We must not bow to these illogical forces. We must fight to preserve this program based not on fear and intimidation, but based on the history and good experiences of this particular program. I urge my colleagues to have courage, and to vote to defend the National Endowment for the Arts reauthorization. Vote for the Williams-Coleman substitute and defeat both the Crane amendment and the Rohrabacher amendment.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. COLEMAN].

The CHAIRMAN. The gentleman from Missouri [Mr. COLEMAN] is recognized for 1½ minutes.

Mr. COLEMAN of Missouri. Mr. Chairman, let me again point out one of the very positive attributes of the Williams-Coleman substitute, because I think the Members ought to start addressing and looking at these issues as they compare the other proposals coming on.

Our application procedures are tightened up. We require a detailed description by the grant applicant to tell what they want funded, and the NEA will know what in fact they are being asked to fund.

The conditions of grant awards will continue so that an artist cannot change in midcourse that which he has already presented to the endowment as to what the project will be, and he cannot go off and change it in another direction without approval.

They need to submit these interim reports, and also the money will not be given all up front, all at once, because we feel that by giving two thirds up front and one third after the completion of the project, we maintain some sort of control in the sense that the applicant will follow through with what they have been approved to do. That is a very important reform that the William-Coleman substitute makes, and which we have provided I think the leadership on.

I would also point out that the independent commission I believe also felt that that was a good idea.

The constitution of the advisory panels, as I said before, are going to be broadened. They are going to reflect the diversity of this country. And also there will be a rotating membership so that the same people will not be on these panels year after year, and there will be openness in the creation of records so that the public can see what is going on, and all policy meetings of the National Council for the Arts will be open to the public.

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] has one-half minute remaining.

Mr. WILLIAMS. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I would not want to have this debate closed without making this personal observation. It is unfortunate that there are those both within and outside of the Congress who have used opposition to the National Endowment for the Arts to troll for money, membership, and votes. Some in this country have used the artist Robert Mapplethorpe as this year's Willy Horton, and they do so because they want to divert America's attention from the very real problems that exist in our economy and our society.

Mr. ALEXANDER. Mr. Chairman, I thank you for the opportunity to speak today on reauthorization of the National Endowment for the Arts [NEA], the National Endowment for the Humanities [NEH], and the Institute of Museum Services [IMS].

These three organizations support education, research, and preservation in the arts and humanities across the United States. Since the first bill providing for such comprehensive assistance was passed 25 years ago, both of the Endowments and the Institute of Museum Services have been instrumental in encouraging excellence among American artists, scholars, and historians.

As my colleagues all know, the reauthorization of the National Endowment for the Arts, in particular, has raised some controversial questions about the appropriations of Federal funding for artistic endeavors.

Mr. Chairman, the NEA simply should not have funded the controversial exhibits of the past year. It was an insensitive and irresponsible decision. Although I did not see these works myself, everything I have seen or heard about them convinces me that they were not worthy of taxpayer support. I want to be clear about this: Our Government has no business funding obscene art.

But I believe that every nation should support the arts, as long as it can be administered wisely. For that reason, I rise in support of the Coleman-Williams amendment.

Let me explain my position.

A quick glance at how the arts have flourished during the past 25 years shows how important Federal support has been. In 1965, before the Endowment was created, only 5 States had art councils. Their funding totaled $2.7 million. Today, every State and territory has an arts council, with combined legislative funding of over $284 million. The number of professional theaters, dance companies, orchestras, choruses, and opera companies has steadily increased, making musical and theater productions accessible to Americans in small communities as well as in large cities.

This growth means a lot more when you look at the difference Federal support makes in a State like Arkansas.

In my district of northeast Arkansas, we are far away from the museums and theaters of Washington or New York. But with the help of Federal NEA dollars, we can bring art exhibits to small towns like Wynne, Horseshoe Bend, Earle Morrilton, or Brinkley. In fact, last year NEA funded exhibits which reached over 30 communities in my district.

During 1990, the NEA provided the Arkansas Arts Council with $418,450. This money funded traveling programs which reached a total of 419,747 people, almost 1 out of every 5 Arkansans.

With Federal money, the arts council also supports traveling exhibits of drawings, prints, and photographs; a traveling children's theater touring company; artist-in-residence programs; and the artmobile, a traveling program for art education.

The director of a local arts council in my district wrote to let me know what projects NEA has underwritten in her community. From January to July of this year, the council: presented theater performances to over 5,000 school children in a three-county rural area; taught local sixth graders and secondary school art students the basic principles of design through a traveling art education exhibit; funded a Memphis-based opera company's presentation of "Little Red Riding Hood" to elementary school students—the only exposure most of these children will ever get to opera; supported a week-long songwriting workshop for local students, and coordinated a 2-month series of arts projects in summer camp programs.

I don't want to suggest that my constituents are not upset about some of the grants NEA has awarded. Indeed, the Endowment's support for artists like Robert Mapplethorpe and Andre Serrano has offended and angered many citizens in my district.

I share their outrage over these grants. Congress needs to listen to these complaints about the NEA and make sure that exhibits like this are not funded again.

To find out more about my constituents' opinions, I questioned over 5,000 people in my district.

When asked to choose between the two options Congress faced last year—to discipline the NEA, or to completely eliminate it—over 70 percent of my constituents elected to discipline the agency and tighten up the grant process, as we did. Almost 80 percent agreed that exposure to the arts is an important part of a young person's overall education. And almost 70 percent said that they favored a continued Federal role in the arts.

In a letter I recently received, a woman from Jonesboro, AR, summed up the opinion of the majority of my constituents. She said:

The arts in our communities are very important to our quality of life. Many of these activities, such as our community theater, symphony orchestra, and the excellent museum at Arkansas State University would be hard-put for operating funds without the NEA.

Mr. Chairman, the substitute to this bill drafted by Mr. WILLIAMS and Mr. COLEMAN allows towns like Jonesboro to continue offering these programs to young people while addressing the concerns I have about the content of NEA-supported art.

This compromise requires that recipients of NEA grants are accountable to the public. It ensures that if artists violate standards of obscenity that have been established by our courts, they must pay back the full amount of their grants and are ineligible for future awards for at least 3 years.

The compromise requires grant panels to include lay persons in response to charges that only a narrow range of people now sit on the advisory panels.

It also channels additional funds to State and local arts councils, which have a very clear sense of community standards. For example, the Arkansas State Arts Council lets each town evaluate and select the programs it wishes to sponsor, and avoids local controversy with this process.

Mr. Chairman, we need to listen to the taxpayers on the issue. In the end, they foot the bill for the Endowment's activities.

The majority of taxpayers that I represent say two things, First, they don't want their money to fund obscene art. And second, they tell me that without Federal support for publicly accepted work, the arts cannot survive in their communities.

I join them today in this responsible approach to continued NEA funding.

Mr. CONYERS. Mr. Chairman, I rise in support of reauthorization of the National Endow-

ment for the Arts. Jazz, a music once deemed obscene and pornographic has for a considerable time suffered from institutional discrimination. It is also an excellent example of an art form that has grown and flourished under the auspices of the National Endowment of the Arts. My resolution, which Congress passed in 1987, designated jazz a rare and valuable national American treasure to which we ought to devote our attention, support and resources to make certain it is preserved, understood and promulgated. To my surprise the passing of this resolution sent a wave of hope and expectation throughout the jazz community.

I salute the National Endowment for the Arts for having been instrumental in carrying out the spirit of this resolution through its new and invaluable support. The National Endowment for the Art's music program provides support for the creation and performance of music, with an emphasis on assisting the growth of American music and musicians. Jazz, was supported in 1989 through 74 fellowship grants for performance, composition, study and special projects, plus 60 grants to continue support for jazz presenters, jazz management, and jazz special projects. Innovations in special projects included a grant to support the development of a national chamber music information system and two residency programs of the black music repertory ensemble.

Mr. Chairman, I urge my colleagues to support reauthorization of the National Endowment for the Arts and take action that will continue implementation of this and other art forms once deemed indecent and obscene and censored out of America's conscience, and start to fulfill the expectation of many Americans "that the arts and the humanities belong to all the people of the United States * * * and reflect the Nation's rich cultural heritage and foster mutual respect for the diverse beliefs of all persons and groups."

As the sponsor of legislation to raise the Nation's consciousness to the artistic merit of jazz, I seek to bring your attention to a period of American history, the 1920's when Chicago passed a law that forbade the playing of trumpets and saxophones after dark. The anti-jazz censorship movement was one of the strongest that America has ever seen. It lasted for most of the 1920's and almost every major denomination had an antijazz society. Jazz music was thought of as decadent, "the devil's music." The fact that it was improvised was seen as an assault on discipline. Jazz music happened to be the voice of a rising new black urban population.

Throughout time art has always been controversial. Many of the world's greatest artists have received more than their share of negative criticism. They withstood this criticism and went on to become some of the world's greatest masters. Some critics of the National Endowment for the Arts appear to want to sanitize art. The change would seem to herald a new National Arts Endowment for the Mediocre, a National Arts Endowment for the Bland, or, worst of all, a National Arts Endowment for the Safe.

Congress does not have to provide moneys for the arts. It could arbitrarily decide to fund only painters or only dance companies. But, in providing these moneys, first amendment principles must be applied.

I urge my colleagues to support reauthorization of the NEA and take action that will continue implementation of this and other art forms once deemed indecent and obscene and censored out of America's conscience, and start to fulfill the expectation of many Americans "that the arts and the humanities belong to all the people of the United States * * * and reflect the Nation's rich cultural heritage and foster mutual respect for the diverse beliefs of all persons and groups."

Mr. FRENZEL. Mr. Chairman, for the past 9 months my office has been deluged with letters, calls, petitions, and postcards concerning the National Endowment for the Arts. I have been lectured on its virtues, and its failures. I have received graphic illustrations and grisly details of obscene and offensive art and performance. This has been a common experience for many of us. It is a debate that reflects differing values enjoyed in a democracy.

However, there are tax dollars involved in this debate. Taxpayer's ordinarily, should not pay to be offended without choice. The challenges raised are justified. The debate has been healthy.

No government agency should be allowed to become autonomous without challenge. The battle cry was raised last spring. The charges went unanswered. More and more allegations erupted over the ensuing months. Finally, a sleepy NEA heard the call. By that time it was too late. We and the Nation, nearly were as upset by the NEA's oblivion as we were about the obscene art. Change of some sort was necessary.

My constituents object to obscenity, pornography, and lewd performance. So do I. They, and I, object to deliberate offense. I vigorously object to spending taxpayer money carelessly. I also object to what I believe has been a cavalier attitude on the part of NEA.

If this floor debate today concerned the original authorizing act of 25 years ago for the NEA—and the NEH and the IMS—I probably would not support it. But today I cannot vote to zero it out. Neither, can I support unfettered growth without controls for another 5 years.

Given our current and outyear budget difficulties, the amendment offered by my colleague from Illinois [Mr. CRANE] is perhaps the most appropriate action. A privately funded organization similar to the NEA would be in everyone's best interest. Scarce Federal dollars would be saved and the arts community could produce whatever it wishes. It is a commendable proposal which should be given serious consideration. However, it would not be prudent policy to make that kind of shift immediately. The endowment process is entrenched. If it is to be eliminated, it must be phased down gradually. The Crane amendment does not do so.

In recent months the independent commission report cited flaws in the NEA procedures. The chairman assures us that strong, positive internal organizational reforms are being implemented, and that accountability and appropriateness are being ensured. It is with hope, and a prayer, that the NEA will attend to its share of tax dollars with seriousness and that the arts community will not forget to act responsibly as soon as its crisis has passed.

Today I will support the Williams-Coleman substitute with the Grandy amendment.

Mr. HOPKINS. Mr. Chairman, I rise in support of reauthorizing the National Endowment for the Arts, National Endowment for the Humanities, and Institute for Museum Services. In particular, I believe that Federal assistance is warranted and, indeed, is desirable. It is one of the valid, tangible ways for us to ensure and inspire the continued growth of the arts in America.

Look to the future: All signs indicate that there will be a modern renaissance in the visual arts, poetry, dance, theater, and music. Arts may gradually replace sports as the premiere leisure activity.

In fact, an arts explosion is well underway: American museum attendance has increased from 200 million to 500 million annually since 1965; Broadway broke every record in history during the 1988-89 season; U.S. opera audiences have nearly tripled since 1970; and Membership in the leading chamber music association grew from 20 ensembles in 1979 to 578 in 1989.

A 1988 report calculated that Americans now spend $3.7 billion attending arts events, compared with $2.8 billion for sports events.

From 1983-87, arts spending increased 21 percent while sports expenditures decreased 2 percent. Just 20 years ago, Americans were spending twice as much on sports as on the arts.

Promotion of the arts is not an investment in our national culture. It is an investment in economic growth.

Last year, $153 million in NEA funding generated $1.4 billion in private sector funds for the arts. While I support many projects funded by the NEA, there are others such as the Serrano and Mapplethorpe I must strenously oppose. However, during its 25-year history, there have only been 20 controversial grants out of a total of 85,000 grants. That is an excellent record that I do not believe many Federal programs could equal.

The Commonwealth of Kentucky has been able to promote many useful and important endeavors over the years with financial assistance from the NEA. I urge continuance of this

endeavor which has added to the richness of our culture and celebrated the noblest aspirations of our people.

Ms. SCHNEIDER. Mr. Chairman, it is perhaps fitting that Congress has put off the vote to reauthorize the National Endowment for the Arts until this late. Legislation to extend the life of the embattled Federal arts agency was supposed to have been taken up in July. But temperatures and tempers run high in Washington in midsummer. Now that things have cooled down, both inside and outside the House Chamber, I am hopeful reasonable heads will prevail.

For 18 months, Congress has been debating the fate of the NEA. President Bush presented a bill last spring to reauthorize the Endowment for another 5 years. Despite political pressure to the contrary, it did not contain restrictions over the content of funded art, as the so-called Helms amendment prohibiting Federal funding of so-called obscene art now does.

Over the summer, more than two dozen amendments to the NEA bill were introduced in the House. They range from prohibitions over funding art that contains human fetal tissue or that encourages defacing the American flag to requirements that Federal arts grantees buy only American-made products to the outright abolition of the NEA.

The problem with such proposals, constitutional questions aside, is that they suggest an agency run amok, an endowment out of control. In fact, in the 25-year history of the NEA, fewer than 25 grants out of some 85,000 have even caused a stir. That is less then one-quarter of one-tenth of 1 percent. Had the Pentagon, HUD, or agencies overseeing the savings and loan industry been as scrupulous with Federal moneys, we taxpayers would not be facing a bill of thousands of dollars each to fix the damage.

Instead, the NEA asks each of us for 68 cents, pocket change for the millions of students the agency reaches through its arts education programs; the cost of a cup of coffee for supporting the Nation's best orchestras, museums, theaters, and public broadcasting; a handful of coins for bringing the arts into the rural parts of America; less than six bits for helping stimulate more than $6 billion in private giving to the arts. This is 68 cents from each American as compared to per capita spending for the arts in Canada $32, France $32, and West Germany $27.

What does this 68 cents buy us in Rhode Island? NEA moneys help support the Rhode Island Philharmonic's educational concert program, the season of productions by the Trinity Repertory Company, and the Newport Music Festival. Endowment funding to the Rhode Island Black Heritage Society and the Langston Hughes Center for the Arts helped present productions like "Christ Child" and a series of performances on the artistic contributions of African-Americans. Support for Brown University and the Rhode Island School of Design helped fund a variety of exhibitions, catalogs and films. And NEA grants to the Rhode Island Council on the Arts are an enormous boost to our own State's support of arts education, folk arts apprenticeship program, and the funding of outstanding artists throughout the State.

In all, NEA support for culture in Rhode Island totals more than $940,000 so far this year. With requirements that every dollar awarded to an organization be matched with a dollar of private support, Endowment grants to Rhode Island have helped pump millions more dollars into our State's culture and, consequently, our economy.

The NEA has helped bring about a cultural renaissance in this country over the last quarter century. Since 1965 we have seen the number of orchestras double, dance companies grow seven times, theater companies expand eightfold, and State arts agencies multiplied by 10.

Despite this unparalleled record, the very existence of this tiny agency which does so much with so little is being threatened. Because of two grants over the past 3 years that some have found objectionable—grants that indirectly funded the exhibition of some photographs which, incidentally, no NEA panel ever saw—some in Congress want to abolish the Endowment. While it does not appear that they have the votes to succeed, a more chilling threat centers on congressional efforts to restrict what the endowment funds.

These so-called content restrictions have been the focus of much debate in the year since Senator JESSE HELMS had them inserted into Federal law. Some believe that such funding standards are necessary and proper when doling out taxpayers' money. Others contend that artistic expression is a form of speech protected by the first amendment, that to restrict such expression is akin to censorship.

In fact, funding standards already exist—the toughest standard of all, artistic excellence. Individual artists and arts organizations selected from among the 18,000 applications for grants have passed a rigorous three-tiered review process that recommends funding for only the very best projects. In some categories, such as visual artists fellowships, less than 4 percent of the applicants are recommended for grants.

While some Congressmen are calling for a ban against obscene art, the fact is: first, obscenity is already against the law; second, obscenity runs counter to artistic quality and would never knowingly be funded anyway; and third, questions of obscenity are traditionally decided in the courts applying local community standards, as in the current Cincinnati case, and not by a Federal agency.

Returning the responsibility of determining obscenity to the courts is the basis by which the Senate committee overseeing the Endowment's reauthorization overwhelmingly forged a compromise. The legislation enables the Endowment to recoup funds from a grantee whose works has been found in the courts to be obscene. The most notable aspect of the bill is the broad bipartisan support it received, approved by the committee 15 to 1. In the 18 months since this controversy began, the Senators seemed to have unearthed the largest chunk of middle ground that we have seen. The question now is whether it is big enough to accommodate a majority in the House as well. I hope so.

This week marks Banned Books Week, a time to reflect somberly on the volumes of Twain, Joyce, Shakespeare, Cervantes, and Steinbeck that have been removed from libraries and schools. It is time to recall the words of John F. Kennedy who noted that "a nation * * * afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people." And it is also a time to resolve that the ideas and works of those with the courage and talent to create new art never be threatened. Congress should support free speech, not suppress it.

Mr. CHANDLER. Mr. Chairman, I rise today in support of the Williams-Coleman amendment. Frankly, I have been outraged by abuses that have occurred with National Endowment for the Arts funding in the past. I spoke out last year on this floor to express my anger about some of the obscene trash the American taxpayers have been asked to pay for.

I now believe there is a new sense of accountability at the NEA. All but a tiny minority of the arts community have been acting responsibily. Only a very few have abused the privilege of public support for the arts. In fact, since the NEA was founded 25 years ago, there have been over 85,000 grants awarded. Yet, out of all these thousands of recipients, less than 30 have been controversial. This is a remarkable record of success for artists and one that we can all be proud of.

From big-city orchestras to small-town arts festivals, there is a need for public support of the arts. I applaud NEA officials for exercising caution with works of alleged art that are clearly without artistic merit or value. It is only the few bad incidents that draw public concern in the first place. I believe responsible NEA action represents the kind of oversight and accountability the American people want in an arts program. And it is the kind of responsible arts funding that the Williams-Coleman amendment will promote. I ask my colleagues to join me today in adopting this amendment and giving this compromise on NEA funding a chance to work.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 4825, a bill to reauthorize the National Endowment for the Arts [NEA], the National Endowment for the Humanities [NEH], and the Institute of Museum Services through fiscal year 1995. This measure will help to ensure the continued, unrestricted growth of the arts and humanities throughout America.

The Endowment was specifically created to support and encourage culture and creativity in America. The House Education and Labor

Committee reported that since its inception in 1965, the Endowment has been a major catalyst in the remarkable growth of musical theaters, professional opera companies, art exhibits, science and technology centers, museums, and a variety of education programs.

In the sixties, there were only 27 professional opera companies in the United States, performing mostly classic European works with European artists. Today, there are 113 American opera companies and 64 musical theaters, performing original works and using American artists in major roles. Hundreds of thousands of American school children have benefited from another Endowment program—"Poetry Readings in the Classroom." HEH programs in history, language, and archaeology have touched the lives of people in hundreds of rural, inner city, tribal, and minority communities throughout our Nation.

The NEA has reportedly approved approximately 85,000 grants to art organizations and individuals. H.R. 4825 does not include content restrictions on the kind of grants that can be funded. All applications for grants are reviewed by an independent panel of experts, who use artistic standards in recommending grant awards. Unfortunately, during the last 2 years, the tremendous success of the Endowment has been overshadowed by the debate over one-tenth of 1 percent of the total number of grants. The mere fact that so few works of art have aroused controversy is indicative of the effectiveness of the Endowment system.

Opponents of unrestricted Federal funding for the arts and humanities argue that taxpayers' money should not be spent on art that is offensive. While I too find some works of art to be offensive, I cannot agree with imposing restrictions on art supported by the Endowment. It is clearly censorship for the Federal Government to require the exclusion of some works of art based on its content. To do so would trample on constitutionally protected freedoms.

Justice Oliver Wendell Holmes once stated, "it is * * * not free thought for those who agree with us, but freedom for the thought that we hate" which gives the theory of free expression its most enduring value. Unrestricted funding of the arts and humanities preserves this freedom.

For these reasons, I strongly support the continued, unrestricted use of Federal funds for the arts and humanities. I feel it is important to preserve a climate which encourages free expression. We cannot allow the controversy surrounding a Robert Mapplethorpe or Andres Serrano exhibit to jeopardize the tremendous benefits derived from these programs for millions of Americans.

Mr. Chairman, I urge my colleagues to join me in support of H.R. 4825 and continued, unrestricted Federal funding of the arts and humanities.

Ms. PELOSI. Mr. Chairman, I rise in support of the National Endowment of the Arts [NEA] and in reluctant support of the Williams-Coleman compromise. I strongly believe that the NEA deserves continued Federal support and should not be used as an agent of censorship. Since the arts controversy began, I have heard from thousands of constituents expressing unqualified support for the NEA.

Mr. Chairman, the Federal Government has a responsibility to fund artistic excellence through the NEA. By encouraging artistic expression, we encourage a creativity and compassion among our citizens which is an essentil part of our quality of life. In fact, Mr. Chairman, I believe that if we were to spend a fraction of what we spend on defense on fostering creativity instead, we would help to create a significantly better world. We might not have to build as many prisons or manufacture as many bombs.

Mr. Chairman, censorship is dangerous. The framers of the Constitution recognized that freedom of expression is the cornerstone of a free society. The increasing political pressure on arts organizations and museums to monitor the work of their membership and to restrict the work that they exhibit is a disturbing trend. Censorship not only undermines the ability of artists to produce truly creative work, but it also shrinks our cultural horizons. The duty of the NEA should be to promote and encourage creativity, not to suppress it or to play big brother to artists.

Unfortunately, the political reality is that we must accept the Williams-Coleman compromise. If the Williams-Coleman compromise were to fail, the proponents of censorship would have a stronger opportunity to impose their limiting views on all of us and perhaps eliminate the NEA altogether. The compromise would change the mandate of the NEA by instructing it to support projects of national or international artistic significance, replacing a policy of encouraging the development of grass roots artistic expression. The compromise would reform the peer review process and force artists to conform to a general standard of decency.

Mr. Chairman, I am disappointed that we must choose a lesser of two evils, instead of voting for freedom of expression and an unrestricted NEA. I urge my colleagues to vote for the Williams-Coleman substitute. It is the best chance we have to try to save the NEA.

Mr. LEHMAN of California. Mr. Chairman, I rise today to voice my support for the reauthorization of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services. As many of you know, this year we celebrate the 25th anniversary of the National Endowment for the Arts. Over that 25 years the NEA has funded over 85,000 successful grants to promote museum exhibits, operas, dance companies, theater, mime troops, folk storytelling, and literature. To characterize the NEA as being a tool of pornography and obscenity is a ridiculous proposition and completely misleading at best.

It is important to remember that only 20 grants out of 85,000 have proven to be controversial and of questionable artistic merit. Even with this small number, I believe many of us know that some restrictions must be implemented to save the NEA. In light of this, I urge my colleagues to support the Williams-Coleman compromise substitute amendment. With this amendment we will preserve and strengthen the NEA and the accountability of the grant process. We will give the states a greater role within the NEA, and we will leave the definition and enforcement of obscenity to the courts—which is where it belongs.

As we vote today let us all remember that the NEA enables Americans from all walks of life to experience art—whether it be in the form of a dancer on a stage, a picture on a wall, or a story being told of the past. Let us remember that the NEA is not and has never been about pornography or homoerotic art, it is about educating our country about it's past, it's future, and our very unique culture. Art energizes us, it challenges us, and it ultimately teaches us who we are as a nation. I urge my colleagues to support the NEA and vote for the Williams-Coleman compromise amendment.

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The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Arts, Humanities, and Museums Amendments of 1990".

SEC. 2. Section 3(b) of the National Foundation on the Arts and the Humanities Act of 1965, hereinafter through section 30 of the bill referred to as "Act" (20 U.S.C. 952), is amended by inserting "all those traditional arts practiced by the diverse peoples of this country" immediately after "forms,".

SEC. 3. Section 3(d) of the Act (20 U.S.C. 952) is amended by inserting "the widest" immediately after "enhance".

SEC. 4. Section 3(d)(2) of the Act (20 U.S.C. 952) is amended by inserting ", 7(c)(10)" immediately after "section 5(1)".

SEC. 5. Section 5(c) of the Act (20 U.S.C. 954) is amended—

(1) in paragraph (2), by inserting "or tradition" immediately after "authenticity";

(2) in paragraph (5), by inserting "education," immediately after "knowledge,";

(3) in paragraph (7), by striking out "and";

(4) by redesignating paragraph (8) as paragraph (10);

(5) by inserting after paragraph (7) the following new paragraphs:

"(8) projects which enhance managerial and organizational skills and capabilities;

"(9) international projects and productions in the arts; and"; and

(6) by striking out "clause (8)" and inserting in lieu thereof "paragraph (10)".

SEC. 6. Section 5(g)(2)(E) of the Act (20 U.S.C. 954) is amended by striking out clauses (i) and (ii) and inserting in lieu thereof:

"(i) a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;

"(ii) for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State arts agency are available to all people and communities in the State; and".

SEC. 7. Section 5(l)(1) of the Act (20 U.S.C. 954) is amended—

(1) at the end of paragraph (E), by striking "and"; and

(2) at the end of paragraph (F), by striking the period and inserting "; and"; and

(3) by inserting the following new paragraph:

"(G) stimulating artistic activity and awareness which are in keeping with the varied cultural traditions of this Nation.".

SEC. 8. Section 5(m) of the Act (20 U.S.C. 954) is amended—

(1) in the first sentence by striking out "develop" immediately after "relevant Federal agencies" and inserting in lieu thereof "employ";

(2) by striking out the sentence starting with "Not later than one year"; and

(3) in the last sentence by striking out "not later than October 1, 1988, and biennially thereafter" and inserting in lieu thereof "not later than October 1, 1992, and quadrennially thereafter".

SEC. 9. Section 7(a) of the Act (20 U.S.C. 956) is amended by striking out "a" and inserting in lieu thereof "the".

SEC. 10. Section 7(c) of the Act (20 U.S.C. 956) is amended—

(1) in the introductory paragraph, by inserting "enter into arrangements, including contracts, grants, loans, and other forms of assistance, to" immediately after "is authorized to";

(2) in paragraph (2), by striking out "(including contracts, grants, loans, and other forms of assistance)";

(3) in paragraph (3), by striking the first sentence thereof and inserting in lieu thereof "initiate and support training and workshops in the humanities by making arrangements with institutions or individuals.";

(4) in paragraph (7), by striking out "through grants or other arrangements".

(5) in paragraph (8), by striking "and";

(6) in paragraph (9), by striking the "." and inserting "; and"; and

(7) by inserting:

"(10) foster programs and projects that provide access to and preserve materials important to research, education, and public understanding of the humanities.".

SEC. 11. Section 7(d) of the Act (20 U.S.C. 956) is amended by striking "correlate" and inserting in lieu thereof "coordinate".

SEC. 12. Section 7(f)(2)(A) of the Act (20 U.S.C. 956) is amended by striking out "of the enactment of the Arts, Humanities, and Museums Amendments of 1985" and inserting in lieu thereof "the State agency is established".

SEC. 13. Section 7(f)(2)(A)(viii) of the Act (20 U.S.C. (956) is amended—

(1) by striking "previous two years" in subclause (I) and inserting in lieu thereof "most recent preceding year for which information is available"; and

(2) by inserting in subclause (II) after "(II)" "for the most recent preceding year for which information is available,".

SEC. 14. Section 7(f)(3)(J) of the Act (20 U.S.C. (956) is amended—

(1) by striking "previous two years" in clause (i) and inserting in lieu thereof "most recent preceding year for which information is available"; and

(2) by inserting in clause (ii) after "(ii)" "for the most recent preceding year for which information is available,".

SEC. 15. Section 7(g) of the Act (20 U.S.C. 956) is amended by striking in the last sentence everything after "subsection" through "1985".

SEC. 16. Section 7(h)(2)(B) of the Act (20 U.S.C. 956) is amended by striking out "on" after "Endowment" in the last sentence and inserting in lieu thereof "for".

SEC. 17. Section 7(k) of the Act (20 U.S.C. 956) is amended—

(1) by striking out "develop" immediately after "relevant Federal agencies," and inserting in lieu thereof "employ";

(2) by striking out the sentence starting with "Not later than one year"; and

(3) by striking out "October 1, 1988" in the last sentence and inserting in lieu thereof "October 1, 1992, and quadrennially thereafter".

SEC. 18. Section 7 of the Act (20 U.S.C. 956) is amended—

(1) by striking out all language after subsection (1) and inserting in lieu thereof: "Any group shall be eligible for financial assistance pursuant to this section only if (1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals, and (2) donations to such groups are allowable as a charitable contribution under the standards of subsection (c) of section 170 of title 26.".

(2) by inserting immediately following subsection (1) the following new subsection:

"(m) The Chairperson, with the advice of the National Council on the Humanities, is authorized to make the following annual awards:

"(1) The Jefferson Lecture in the Humanities award to a person for distinguished intellectual achievement in the humanities. The annual award shall not exceed $10,000.

"(2) The Charles Frankel Prize to honor persons who have made outstanding contributions to the public's understanding of the humanities. Up to five persons may receive the award each year. Each award shall not exceed $5,000.".

SEC. 19. Section 9(d) of the Act (20 U.S.C. 958) is deleted in its entirety.

SEC. 20. Section 10(a) of the Act (20 U.S.C. 959) is amended—

(1) in paragraph (6) by striking out "529" and inserting in lieu thereof "3324";

(2) after paragraph (8) and before "In any case" insert new subsection "(b)";

(3) after paragraph (8) and before "In selecting panels" insert new subsection "(c)";

(4) in new subsection (c) by striking "clause (4)" and inserting in lieu thereof "subsection (a)(4)";

(5) after paragraph (8) and before "Panels of experts" insert new subsection "(d)";

(6) by redesignating subsections (b), (c), and (d) as (e), (f), and (g), respectively, and by striking out subsections (e) and (f); and

(7) in redesignated subsection (g)(3) by striking out "the last sentence of subsection (a)" and inserting in lieu thereof "subsection (d)".

SEC. 21. Section 11(a)(1)(A) of the Act (20 U.S.C. 960) is amended by striking out in the first sentence everything after "Arts" and inserting in lieu thereof "$125,800,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995.".

SEC. 22. Section 11(a)(1)(B) of the Act (20 U.S.C. 960) is amended by striking out everything in the first sentence after "Humanities and inserting in lieu thereof "$119,900,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995.".

SEC. 23. Section 11(a)(1)(C) of the Act (20 U.S.C. 960) is amended by striking out subparagraph (C).

SEC. 24. Section 11(a)(2)(A) of the Act (20 U.S.C. 960) is amended—

(1) by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1995";

(2) by striking out "paragraph (8)" and inserting in lieu thereof "paragraph (10)"; and

(3) by striking out everything after "shall not exceed" and inserting in lieu thereof "$13,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995.".

SEC. 25. Section 11(a)(2)(B) of the Act (20 U.S.C. 960) is amended—

(1) by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1995"; and

(2) by striking out everything after "shall not exceed" and inserting in lieu thereof "$12,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995.".

SEC. 26. Section 11(a)(3)(A) of the Act (20 U.S.C. 960) is amended—

(1) by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1995"; and

(2) by striking out everything after "shall not exceed" and inserting in lieu thereof "$15,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995.".

SEC. 27. Section 11(a)(3)(B) of the Act (20 U.S.C. 960) is amended—

(1) by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1995"; and

(2) by striking out everything after "shall not exceed" and inserting in lieu thereof "$15,150,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995.".

SEC. 28. Section 11(a)(3)(C) of the Act (20 U.S.C. 960) is deleted in its entirety and subparagraph (D) is redesignated as (C).

SEC. 29. Section 11(c)(1) of the Act (20 U.S.C. 960) is amended by striking out in the first sentence everything from "$15,982,000 for fiscal year 1986" through "fiscal years 1989 and 1990" and inserting in lieu thereof "$21,200,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995".

SEC. 30. Section 11(c)(2) of the Act (20 U.S.C. 960) is amended—

(1) by striking out in the first sentence everything from "$14,291,000 for fiscal year 1986" through "fiscal years 1989 and 1990" and inserting in lieu thereof "$17,950,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995"; and

(2) by striking out "or any other source of funds".

SEC. 31. Section 11(d) of the Act (20 U.S.C. 960) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof:

"(1) The total amount of appropriations to carry out the activities of the National Endowment for the Arts shall be $175,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995."; and

(2) by striking out paragraph (2) and inserting in lieu thereof:

"(2) The total amount of appropriations to carry out the activities of the National Endowment for the Humanities shall be $165,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995.".

SEC. 32. Section 204(a)(1)(A) of the Museum Services Act, hereinafter through section 37 of the bill referred to as "Act" (20 U.S.C. 963), by inserting "conservation," after "curatorial,".

SEC. 33. Section 204(d)(1) of the Act (20 U.S.C. 963) is amended by striking out "four" and inserting in lieu thereof "three".

SEC. 34. Section 205(a)(1) of the Act (20 U.S.C. 964) is amended by striking out "be compensated at the rate provided for level V

of the Executive Schedule (section 5316 of title 5), and shall".

SEC. 35. Section 205(a)(2) of the Act (20 U.S.C. 964) is amended by striking out "Chairperson's" and inserting in lieu thereof "Director's".

SEC. 36. Section 206(a)(5) of the Act (20 U.S.C. 965) is amended by striking out "artifacts and art objects" and inserting in lieu thereof "their collections".

SEC. 37. Section 206(b) of the Act (20 U.S.C. 965) is amended—

(1) in paragraph (1), by striking out "with professional museum organizations"; "to such organizations"; and "enable such organizations to";

(2) in paragraph (2)(B), by striking out "the" and by striking out "of any professional museum organization";

(3) by striking out paragraph (2)(A) and renumbering paragraph (2)(B) as paragraph (2).

(4) in paragraph (3), by striking out "to professional museum organizations"; and,

(5) by striking out paragraph (4).

SEC. 38. Section 209 of the Act (20 U.S.C. 967) is amended—

(1) by striking out all language after subsection (a) and inserting in lieu thereof:

"For the purpose of making awards under section 206 of this title, there are authorized to be appropriated $24,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995."; and,

(2) by striking out the following language in subsection (d): "during the period beginning on October 8, 1976 and ending October 1, 1990," and inserting in lieu thereof "for fiscal year 1991 through 1995".

SEC. 39. Section 5(b) of the Arts and Artifacts Indemnity Act, hereinafter through section 40 of the bill referred to as "Act" (20 U.S.C. 974), is amended by striking out "$1,200,000,000" and inserting in lieu thereof "$3,000,000,000".

SEC. 40. Section 5(c) of the Act (20 U.S.C. 974) is amended by striking out "$125,000,000" and inserting in lieu thereof "$300,000,000".

SEC. 41. Section 5(d) of the Act (20 U.S.C. 974) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by revising paragraph (3) to read as follows:

"(3) $10,000,000 but less than $125,000,000, then coverage under this Act shall extend to loss or damage in excess of the first $50,000 of loss or damage to items covered;" and

(3) by inserting the following new paragraphs (4) and (5):

"(4) $125,000,000 but less than $200,000,000, then coverage under this Act shall extend to loss or damage in excess of the first $100,000 of loss or damage to items covered; or

(5) $200,000,000 or more, than coverage under the Act shall extend only to loss or damage in excess of the first $200,000 of loss or damage to items covered.".

SEC. 42. Title IV of the Arts, Humanities and Museums Amendments of 1985, section 401, is stricken.

SEC. 43. Chapter 53 of title 5, United States Code, is amended in section 5315 by adding at the end thereof "Director of the Institute of Museum Services".

SEC. 44. These amendments shall be effective on the date of enactment.

The CHAIRMAN. No amendments to the bill are in order except the amendments printed in House report 101-801. Said amendments shall be considered in the order and manner specified, may only be offered by the Member specified, shall be considered as having been read, and shall not be subject to amendment. Debate time for each amendment shall be equally divided and controlled by the proponent of the amendment and a member opposed thereto.

It is now in order to consider amendment No. 1 printed in House report 101-801.

AMENDMENTS EN BLOC OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. CRANE: Beginning on page 2, strike line 13, and all that follows through line 15 on page 4, and insert the following (and make such technical corrections as may be appropriate):

SEC. 5. Sections 5 and 6 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 954, 955) are repealed.

SEC. 6. (a) Section 2 of the National Foundation on the Arts and Humanities Act of 1965 (42 U.S.C. 951) is amended—

(1) in paragraph (1) and (4) by striking "and the arts",

(2) in paragraphs (3) and (8) by striking "the arts and",

(3) in paragraph (5) by striking "the practice of art and", and

(4) in paragraph (9) by striking "the Arts and".

(b) Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 952) is amended—

(1) by striking subsections (c) and (f), and

(2) in subsection (d)—

(A) by striking "to foster American artistic creativity, to commission works of art,",

(B) in paragraph (1)—

(i) by striking "the National Council on the Arts or", and

(ii) by striking ", as the case may be,",

(C) in paragraph (2)—

(i) by striking "sections 5(1) and" and inserting "section",

(ii) in subparagraph (A) by striking "artistic or", and

(iii) in subparagraph (B)—

(I) by striking "the National Council on the Arts and", and

(II) by striking ", as the case may be,", and

(D) by striking "(d)" and inserting "(c)", and

(3) by redesignating subsections (e) and (g) as subsections (d) and (e), respectively.

(c) Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 953(a)) is amended—

(1) in subsection (a)—

(A) by striking "the Arts and" each place it appears, and

(B) by striking "a National Endowment for the Arts,",

(2) in subsection (b) by striking "and the arts", and

(3) in the heading of such section by striking "THE ARTS AND".

(d) Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 958) is amended—

(1) in subsection (a) by striking "the Arts and",

(2) in subsection (b) by striking "the Chairperson of the National Endowment for the Arts,",

(3) in subsection (c)—

(A) in paragraph (1) by striking "the Chairperson of the National Endowment for the Arts and",

(B) in paragraph (3)—

(i) by striking "the National Endowment for the Arts", and

(ii) by striking "Humanities," and inserting "Humanities", and

(C) in paragraph (6) by striking "the arts and".

(e) Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 959) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "in them",

(ii) by striking "the Chairperson of the National Endowment for the Arts and", and

(iii) by striking ", in carrying out their respective functions,",

(B) by striking "of an Endowment" each place it appears,

(C) in paragraph (2)—

(i) by striking "of that Endowment" the first place it appears and inserting "the National Endowment for the Humanities",

(ii) by striking "sections 6(f) and" and inserting "section", and

(iii) by striking "sections 5(f) and" and inserting "section",

(D) in paragraph (3) by striking "Chairperson's functions, define their duties, and supervise their activities" and inserting "functions, define the activities, and supervise the activities of the Chairperson",

(E) by striking the second, third, and fourth sentences,

(F) in the fifth sentence by striking "one of its Endowments and received by the Chairperson of an Endowment" and inserting "the National Endowment for the Humanities and received by the Chairperson of that Endowment",

(G) in the sixth and eighth sentences by striking "each Chairperson" each place it appears and inserting "the Chairperson",

(H) in the seventh sentence by striking "Each chairperson" and inserting "The Chairperson", and

(I) by striking the ninth, tenth, and eleventh sentences,

(2) in subsection (b)—

(A) by striking "Chairperson of the National Endowment for the Arts and the ", and

(B) by striking "each" the first place it appears,

(3) in subsection (C)—

(A by striking "National Council on the Arts and the ", and

(B) by striking ", respectively,",

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Chairperson of the National Endowment for the Arts and the", and

(ii) by striking "sections 5(c) and" and inserting "section",

(B) in paragraph (2)(A)—

(i) by striking "either of the Endowments" and inserting "National Endowment for the Humanities", and

(ii) by striking "involved", and

(C) in paragraph (3)—

(i) by striking "that provided such financial assistance" each place it appears, and

(ii) in subparagraph (C) by striking "the National Endowment for the Arts or",

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "the Chairperson of the National Endowment for the Arts and",

(ii) by striking "jointly",

(iii) in subparagraph (A) by striking "arts education and", and

(iv) in subparagraph (B) by striking "arts and",

(B) in paragraph (2) by striking "Endowments" and inserting "Endowment", and

(C) in paragraph (3)—

(i) by striking "Endowments"and inserting "Endowment",

(ii) in subparagraph (B) by striking "Endowments' " each place it appears and inserting "Endowments's",

(iii) in subparagraphs (B) and (C) by striking "arts and" each place it appears,

(iv) in subparagraph (D)—

(I) by striking "National Endowment for the Arts and the", and

(II) by striking "arts education", and

(v) in subparagraph (E) by striking "National Endowment for the Arts and the", and

(6) in subsection (f) by striking "each Endowment" and inserting "the National Endowment for the Humanities".

Beginning on page 9, strike line 4 and all that follows through line 8 on page 12, and insert the following (and make such technical corrections as may be appropriate):

SEC. 19. (a) The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended—

(1) by striking "(B)", and

(2) by striking "$95,207,000" and all that follows through "1990;", and inserting "$119,900,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995".

(b) Section 11(a)(1) National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)) is amended by striking paragraph (C).

(c) Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(1) in subparagraph (2)(B)—

(A) by striking "1990" the first place it appears and inserting "1995", and

(B) by striking "$10,780,000" and all that follows through "1990", and inserting "$12,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995",

(2) in paragraph (3)—

(A) by striking subparagraph (C), and

(B) in subparagraph (D)—

(i) by striking "(D)" and inserting "(B)", and

(ii) by striking "and subparagraph (B)", and

(3) in paragraph (4)—

(A) by striking "Chairperson of the National Endowment for the Arts and the",

(B) by striking ", as the case may be,", and

(C) by striking "section 5(e), section 5(1)(2), section 7(f)," and inserting 7(f)".

(d) Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1), and

(B) in paragraph (2) by striking "(2)", and

(2) in subsection (d)—

(A) by striking paragraph (1), and

(B) in paragraph (2) by striking "(2)".

SEC. 20. Section 1 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 note) is amended by striking "the Arts and".

SEC. 21. (a) On the effective date of the amendments made by this Act, all property donated, bequeathed, or devised to the National Endowment for the Arts and held by such Endowment on such date is hereby transferred to the National Endowment for the Humanities.

(b) The Director of the Office of Management and Budget shall provide for the termination of the affairs of the National Endowment for the Arts and the National Council on the Arts. Except as provided in subsection (a), the Director shall provide for the transfer or other disposition of personnel, assets, liabilities, grants contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with implementing the authorities terminated by the amendments made by this Act.

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to a demand for a division of the question.

The gentleman from Illinois [Mr. CRANE] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendments en bloc.

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] will be recognized for 15 minutes.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that I be allowed to yield 7½ minutes of my time to the gentleman from Missouri [Mr. COLEMAN] and that the gentleman from Missouri [Mr. COLEMAN] may yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset to put this into some historical perspective, if we go back to the beginning of the republic, this issue was raised at the Constitutional Convention, as a matter of fact, by two different delegates, and it was voted down resoundingly by those people who attended the Constitutional Convention in Philadelphia as beyond the purview of the legitimate functions of the National Government. That is not to say that through the years the Government did not spend money on the arts. The fact of the matter is historically we commissioned paintings, approved by Government, and some of them hang in the rotunda, magnificent pieces of art, the sculpture work on top of the dome, this painting over here of General Lafayette and President Washington. Specific art projects were paid for with public money, but that is not the issue we are talking about today.

We are talking about having created a whole new bureaucracy ostensibly to promote art in this country. The first deviation from that historic rule was when Franklin Delano Roosevelt under the New Deal put all those unemployed artists on a welfare payroll, and they then continued to paint, and they were being compensated for that. That deviation and experiment died by World War II, and it was not until the guns-and-butter era of LBJ when money was no object that finally in 1965 we created the National Endowment for the Arts.

Mr. Chairman, my argument is that, first of all, if we go back historically and recognize that the Founding Fathers who crafted our Constitution that we all hold our hand up and swear to uphold when we take that oath of office, they gave us instruction on this question.

Second, Mr. Chairman, I would argue that the funding of art is not dependent upon Government. Quite the contrary, if we go back to the 1988 funding levels, they made grants of about $150 million through the National Endowment for the Arts, and by contrast, private citizens in this country, foundations and bequests, conferred $6.8 billion versus the $150 million distributed by the NEA. It is not a question of whether the arts will be funded. It is a question of the propriety of having the funding come through the vehicle of Government.

We have heard a lot of talk about censorship here. Censorship, for goodness sakes, that is one of the reasons many contemporary artists condemn this whole concept of an NEA. If we looked at the numbers of applicants that come under the purview of that National Council to make their determination upon whom they shall confer a grant, we are talking one out of four being successful enough to get the money. They say, "Oh, yes, but that encourages other money to be funded." To be sure, but that is a diversion from the other three. And who died and made the political appointees on that National Council God?

Art is in the eye of the beholder, to be sure, and as our colleague from Texas stated earlier, the fact of the matter is when you are doing it in the private sector, that is exclusively your determination. If you want to take perversions like the Mapplethorpe exhibit, and I will not get into the specifics because it would violate the decorum of this House if I were to verbally attempt to graphically describe what was contained in it you're right to spend your money on it is unimpaired.

What we are proposing here in no way would have prohibited Mr. Mapplethorpe from doing his thing. That is not the issue here. What we are proposing is a prohibition against the use of involuntarily raised tax dollars for such pornographic obscenity.

There is another concern I have, too, and that is the good-old-boy network that controls the distribution of the money.

Our good colleague, the gentleman from New York [Mr. WEISS] over here had a special order the other night, and he was urging all of his New York colleagues to participate, most understandably, because they got roughly $40 million in funding from the NEA that year. Let me contrast that with my home State of Illinois. We only got $5 million at the same time. The State of Michigan got $1.5 million. The State of Oregon, which I heard mentioned earlier in the debate, got $1.3 million; Florida, $2.1 million, the fourth largest State of the Union; Ohio, that our good friend from Youngstown represents, they got $4.9 million; Texas, the third largest State of the Union, Texas got $4.6 million. Even if we add monstrous California, they only got $14.1 million, and if we take all of those States combined, they are dwarfed by New York. They only got roughly half the funding that New York got. So I can totally understand my colleague from New York. They have got the good-old-boy thing going up there, and they are getting the benefit of this public money.

Let me remind the Members of something else. Here we are in our budget struggle at the present time trying to reconcile income and outgo, and we are asking a lot of people to suffer. We are asking the seniors, the Medicare beneficiaries, to suffer. We are asking Joe Sixpack to suffer. We are tightening all of these designated belts, and yet if we held the funding levels for the NEA at the current level over the next 5 years, we are talking roughly $1 billion of funding.

It is an economic outrage at a time like this to be squandering limited resources thus. Especially when there are private sector alternatives. It is not either/or. We are not in a situation where if we do not continue the NEA, we are going to see the elimination of art in this country.

Quite the contrary, we will see a flourishing of art again as existed throughout the 19th century into the 20th century through the pre-World War era. During this period some of the most magnificent artists in literature and art work did not receive the benefit of one cent of Government money.

We simultaneously eliminate the horrifying prospect of commissioning some artist to do that depiction over there of General Lafayette and have him on that wall depicted stark naked or in a compromising position with another male.

That is the sort of thing we are talking about, Mr. Chairman.

Mr. Chairman, the question of whether or not the National Endowment for the Arts [NEA] should exist really involves three issues: Constitutionality, necessity, and censorship.

The debate over Government funding for the arts is as old as our Nation. The Constitutional Convention addressed the matter in 1787 when South Carolina's Representative Charles Pinckney proposed that Congress "establish seminaries for the promotion of literature and the arts and sciences." His colleagues soundly defeated the motion because they reasoned, "The granting of patents is the extent of [our] power." One Congressman's comments proved prophetic. John Page of Virginia argued vigorously against the idea warning, "Congress might, like many royal benefactors, misplace their munificence * * * and neglect a much greater genius of another." Indeed, there can be no question that the authors of the Constitution did not intend for Government funding of the arts.

Our forefathers concluded that there isn't a role for art in Government. Now we must question whether there is a need for Government in the arts. In 1988, $6.8 billion was spend on the advancement of art by the private sector. The $175 million included in today's authorization could be matched almost 40 times over by this fund. This private endowment has fostered two of the greatest periods in American literature. The careers of Mark Twain, Emily Dickenson, William Faulkner, and F. Scott Fitzgerald, among others, flourished without one penny of Federal money. So not surprisingly, many in today's art community question the need for the NEA. Writer Richard Moore explains, "It isn't just that the money we give to artists is being wasted. It's doing positive harm. An arts bureaucracy has grown up in the last few years to formulate the applications, select the judges, and give the right sort of ballyhoo to the recipients. Only mediocrity can destroy art. And in every bureaucracy, mediocrity luxuriates." How can we justify funding the arts while at the same time we threaten to take $50 billion from Medicare? Indeed, how can we do this when artists consider the $2.5 billion they've already received a waste?

Mr. Moore and his colleagues feel that the NEA has suppressed creative genius in favor of less intellectually challenging projects. It's true. Finite resources necessitate selectivity which, in turn, requires standards. These standards are set by a presidentially appointed panel and naturally reflect the tastes of Government. Just 4,372 applicants out of 17,879 received NEA funds in 1989. An NEA grant is considered "highly important money" because it attracts additional financial attention to the recipients. Consequently, it draws away potential funding from those who did not receive NEA recognition. So by advancing the career of one artist with a grant, the NEA automatically discourages the futures of three others.

Mr. Chairman, the evidence is conclusive. History proves that art advancement is not a role intended for Government. Private Philanthropy ensures that American art can survive without the NEA. And common sense recognizes that Government inevitably will be a censor as long as there is an NEA. Please support the Crane amendment to H.R. 4825.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, what did the gentleman mean, that it never received one dime of public tax money? I thought people who contributed were foundations and so forth who had certain tax writeoffs that subsidized art.

Mr. CRANE. To be sure. One can get a deduction for contributions to charity.

Mr. MARLENEE. If the gentleman will yield further, so what we are talking about is a double support with the NEA funds?

Mr. CRANE. We are talking about a double support indirectly, because the first is a revenue loss, to be sure, as the gentleman points out, and the second is, they add money on top of that.

What I am saying is, if we want to permit the greatest flexibility of freedom in promotion of the arts, leave it where it belongs in the private sector, and get Government out of it altogether.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, here we have an amendment that would eliminate the National Endowment for the Arts and all of the programs the NEA brings to communities across America.

This measure is part of a 10-year effort by the political right to destroy the NEA. The sponsor of this amendment wants the public to think that he is doing something to really cut the Federal deficit, but what he and his allies are really doing is to nickel-and-dime a small but critical program for people in this country while simultaneously voting for hundreds of billions of dollars in an orgy of spending for pet projects which are mostly military.

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The author of this amendment says he will save $180 million. He would like Members to believe that is a big number, and it is, except when we compare that number with the military megabucks he and his allies have insisted on spending year after year. The gentleman and his friends have voted for $14 billion on the Mad Hatter program called SDI. Millions more for chemical weapons and just weeks ago, he and his allies voted against the Frank amendment on vulnerable MX missiles which would have saved $250 million. That is $70 million more than the entire NEA budget in its entirety.

The author of this amendment also votes for the Trident nuclear submarine. Let me tell Members about that

ship. It is 527 feet long. It costs $1.32 billion per ship. That works out, my friends, to $2½ million a foot. Someone once said we ought to build that sub 1 foot shorter. With 18 ships in our fleet that would save $45 million for the Treasury, almost a third of the NEA budget. The person who suggested that said that he did not think the Navy would even notice the difference. In fact, he suggested that it was his experience that things submerged under water actually looked larger, so he knew the Navy would not know the difference.

Mr. Chairman, if America can spend trillions of dollars to fund weapons to destroy life, I think it is right and proper to spend a pittance in this bill for the celebration of life through the NEA. Defeat the Crane amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, the question of the relation of art and society will be debated as long as humans possess imagination and critical capacity.

Sensible citizens have every right to question the artistic merit of Government-funded projects, but care should be taken not to confuse censure—the free expression of moral disapproval which is the cherished prerogative of every American—with censorship—a repugnant instinct prohibited by the first amendment.

As in all fields of human endeavor, mistakes will be made. What is impressive with regard to the Endowment is how few, not how many, projects have proven controversial. What is more important than elements of controversy, however, is the question of whether a great society is obligated to tap rather than restrain the creative instinct, even if it produces a controversial product.

It is this Member's view that when it comes to the arts, it is better to light a candle than sit in darkness. Criticism of Government and its programs are almost always helpful. But my hope is that a rebuking of Government, no matter how justified in particular instances, does not deprive our citizens of the opportunity to participate in the creative process and propel in particular an unjustified punishment of our kids.

With all the attention that has riveted on the pictures of Robert Mapplethorpe and the exertions of Annie Sprinkle, it should be clear that Endowment programs have been designed to bring quality art to people of all classes and all ages in all parts of the country. In this regard, I would like to focus for a moment on one group, youth. As I review the array of Endowment programs in my congressional district, I am struck by a singular concern: Kids shouldn't be deprived of the quality programs that characterize most endowment efforts because of the societal transgressions of a few adults.

As for the issue of priorities, it is hard not to be struck by the irony that in the depth of our greatest depression, the Works Progress Administration WPA provided far more resources to artists on a relative GNP basic than government provides today. Regionalist like Grant Wood and Thomas Hart Benton chronicled for history the human condition and because of Government involvement, the inspiration of art was taken from elitist citadels and brought directly to working class homes.

Interestingly, philosophical controversy, not just cost concerns, swirled around these WPA artists. One of Grant Wood's prints, for instance, was defined by the Post Office as obscene and thereby banned from the mails. I raise this historical point simply to underscore that censors can sometimes produce more obscene judgments than artists can produce. And I know of no more inappropriate body of censors than this Congress of people's representatives. Very few Americans I suspect, would suggest that this body is noted for superior moral judgment.

The arts are not a luxury; they are the soul of our society. Without embarrassment this Congress should advance and ennoble their life and thereby our own.

An understandable backlash against a minute percentage of arts projects should not be allowed to lead to an artistic holocaust, to the dispiriting of American society.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I would like to begin by commending the gentleman from Montana [Mr. WILLIAMS] for his leadership and courage in helping this body to deal with a tricky and sensitive issue, and yet, one which gets to the core of our first amendment rights and first amendment concerns and free expression in this country. The gentleman from Montana has done a superb job, and we all owe him a debt of thanks.

The National Endowment for the Arts is one of our most successful and cost effective Federal programs.

It has improved the quality of life for millions of Americans by triggering a renaissance in cultural interest and access to art.

At its inception, there were 60 professional orchestras in the United States. Now there are over 210. There were 37 professional dance companies. Now there are over 250.

The same holds true for choruses, opera companies, and nonprofit theaters.

The NEA often targets communities that otherwise would have no access to arts education—funding programs that involve the physically challenged, blind, and the deaf in visual and performing arts.

More than 3½ million children were introduced to art last year through the NEA's Art in Education Program.

We debate today whether Congress should impose restrictive language on NEA grants.

I say no, absolutely not.

We are here because a small group of self-appointed guardians of American morality have used a few NEA grants to endanger the future of this vital program.

They have distorted works of art, misled the public and engaged in a campaign of deception and misinformation.

The right wing has sought to use this issue for its own partisan political purposes, but there really should be no great controversy here.

The NEA does not fund obscene art.

It may fund art which some in our society find objectionable.

That is something a free society can and must tolerate.

Of the more than 85,000 grants funded by the NEA over 25 years, fewer than 15 have been found to be objectionable.

The NEA has done an excellent job and should be allowed to continue its good work with a minimum of interference from Congress.

The American public shares this view.

More than two-thirds of all Americans strongly agree that Congress should not cut funding of art solely on the basis of its content.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the issue here as we set priorities is of what should the American people spend tax money on. A number of Members are concerned that American taxpayer money has been spent on things that are of low priority.

One of the questions that comes before Members is what has tax money been spent on in the past? The fact is, it has been spent on photographs that many Americans would question whether or not that is what their tax money should go for. It seems to me in the course of this debate, so our colleagues can understand the nature of this, that we probably ought to show some of those pictures that the taxpayers have paid for on this floor, so that we can begin to understand the nature of what the taxpayer has been paying for.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, am I permitted to show such photographs on the House floor?

The CHAIRMAN. The first amendment to the Constitution provides that Congress shall make no law abridging the freedom of speech. The Chair notes, however, the Constitution also provides that the House may determine the rules of its proceedings, and in clause 2 of rule I, the House has assigned to the Speaker the sole responsibility to preserve order and decorum.

In similar circumstances on September 13, 1989, the Chair advised he would prevent the display of exhibits that in his judgment might disrupt order or impair decorum in the Chamber. The current occupation of the Chair would intend to apply that standard.

□ 1630

Mr. WALKER. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Chairman, how are we going to make that determination about what interferes with the decourm of the House?

The CHAIRMAN. The Chair would not entertain any exhibits in this debate.

Mr. WALKER. So in other words, Mr. Chairman, I have a picture here that shows a group of irises in a bowl. That is a picture which I cannot show on the House floor because it would disturb the decourm of the House?

The CHAIRMAN. The Chair is not going to make a distinction, and because this could be a controversial and volatile issue, the Chair has decided under the rule to allow no exhibits during this debate.

Mr. WALKER. Well, Mr. Chairman, a further parliamentary inquiry: On many occasions on this floor, we have allowed pictures to be shown out here, pictures of war and carnage and all kinds of things. Are we suggesting that those pictures are no longer going to be permitted on the floor either, that the Members do not have the right to freedom of expression of the House floor with regard to these matters?

The CHAIRMAN. The gentleman refers to other debates. The standard the Chair has enunciated applies to this debate, when the issue of decorum has been raised, and the Chair intends to enforce a standard that no exhibits be displayed today, and this is a responsibility which the Chair undertakes after a discussion with the Speaker.

Mr. YATES. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, it this coming out of the gentleman's time?

The CHAIRMAN. No. The Chair is trying to make sure that we have a clear ruling on this particular case and will allow liberal time.

Mr. CRANE. Mr. Chairman, may I make a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRANE. Mr. Chairman, if the gentleman cannot show the photographs in one of the collections that was funded, is it permissible for him graphically to describe the content of photographs from the well?

The CHAIRMAN. The gentleman may in his time limitation describe whatever he sees fit, and the Chair will rule appropriately.

Mr. WALKER. I thank the Chair.

Mr. Chairman, it now becomes clear that in this taxpayer-supported institution——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CRANE. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. WALKER. Mr. Chairman, it now becomes clear that in this taxpayer supported institution there are, in fact, limits on freedom of expression. You cannot post any kind of pictures in the Chamber, that in fact there are limitations under which we are forced to live.

Now, the question is whether or not taxpayers' supported institutions in other places should have those same kinds of limitations.

All the gentleman from California will suggest later on is that indeed we can have those kinds of restrictions.

The gentleman from Illinois raises another point, though, and that is whether or not the taxpayers ought to be forced to pay for things which are totally obscene in their view. It is not a question whether they are obscene in the view of some court or whether some liberal Member of the House of Representatives finds them all right. It is a question of whether or not tax money should be coerced away from hard-working Americans in order to pay for things which they regard as very obscene.

I think it is clear from just this dialog on the House floor, there is a right under the Constitution to provide limits, and we ought to do so here today.

Mr. WILLIAMS. Mr. Chairman, I yield myself 30 seconds.

Of course, there are restrictions to freedom of full expression. Of course, there are rules and regulations that everyone, including the Members of this House, must abide by.

The National Endowment for the Arts has a criteria which if applied to this House would limit debate. The National Endowment for the Arts has a criteria for funding the arts that is based only on excellence and quality. If we applied that same criteria to the speeches of the Members of the House, we would have been out of here in March.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for his speech. I am sure that he is absolutely right. Some of the qualities of the 1-minute speeches have been a little shaky here recently; but I would say to the gentleman, I cannot imagine any standard in any other place in the country that would limit us from showing a picture of irises in a bowl. We just had a ruling on this House floor that you cannot show a picture of irises in a bowl on the House floor. I suggest that not only is a violation of free speech, that is outright censorship.

Mr. WILLIAMS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me point out to the gentleman for Pennsylvania, that is exactly what the court did in the Cincinnati case. They insisted that only the so-called raunchy pictures of Mapplethorpe be shown, not the pictures of irises in the bowl; he would also be showing the other pictures, which are disturbing.

Mr. WALKER. Mr. Chairman, if the gentleman will yield, how does the gentleman know that?

Mr. YATES. Oh, I know what the gentleman usually does.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, I want to at least congratulate my good friend, the gentleman from Illinois, on his honesty. I think in many ways this debate is not about censorship or pornography. It is about the existence of the National Endowment for the Arts, and at least the gentleman from Illinois confronts that directly.

Lest anybody think that we spend an awful lot of taxpayer money on the National Endowment for the Arts, I would just like to give you a little footnote here. The authorization is for approximately $175 million, and while in the abstract that sounds like a lot of money, when you spread it all across America to thousands of little communities, it is not very much at all.

By contract, this Government, this President and this Congress, have appropriated $203 million for military bands. That is military musicians, people in the Pentagon who in uniform perform at a variety of civic functions all over America. I do not mean to say that is a waste of money. Some of the finest musicians in our country are in the military bands; but just think of it. In the Pentagon, you can get $203 million appropriated for military music, and the gentleman

from Illinois is objecting to spending $175 million to fund opera and ballet and dance and theater throughout America.

Mr. Chairman, I hope Congress rejects the amendment.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation and in support of the gentleman's amendment. In light of our alarming budget deficit, as well as our somewhat embarrassing inability to develop meaningful solutions, what is the Federal Government doing funding the arts? As a sponsor of the Privatization of Art Act, I believe that the National Endowment for the Arts [NEA] should be eliminated. Coincidentally, this morning's mail brought to my desk the most recent issue of Policy Review. On page 36 is an article entitled "Abolish the NEA," which contains a quote that says it all:

> The distribution of grant money to a chosen few assumes a wisdom that government does not possess, and affords it powers it does not deserve.

Earlier this year, I had the opportunity to present testimony concerning funding for the NEA, which has become an emotional and volatile issue. I stated then and will reiterate now that I am strongly committed to first amendment rights; I do not believe in censorship. Painters, writers, poets, sculptors and other artists should be perfectly free to create; our form of government will not tolerate any restriction of creative expression. However, I also believe that scarce Federal dollars must be prudently prioritized. Nowhere is it written that artists—or any other individuals, for that matter—are entitled to "no strings" Federal support. When Uncle Sam giveth, Uncle Sam generally establishes conditions and criteria concerning applicants for the "gift." Considering that the money used is the people's money, the strings attached are appropriate.

When the House last debated the Interior appropriations bill, including funding for the NEA, amending language was offered which was designed to underline commitment to freedom of expression, while at the same time disapproving questionable use of tax dollars. Unfortunately, as we now know, the effort was unsuccessful and the problem remains unresolved.

We find ourselves at an impasse: there is no accountability for the use of tax dollars where the NEA is concerned, and any effort to add accountability to the process is viewed as censorship. It has become increasingly clear to me over the last year that the only way to get the Government out of the undesirable position of determining what qualifies as art is to get the Government out of the art business, period.

There are those who assert that my suggestion is insensitive, and that it will deprive worthy talent of needed support. I disagree. Many projects are worthy and deserving, but that does not mean that the Federal Government has an obligation to fund them. Indeed, our efforts to decrease the size, cost and intervening role of the Federal Government are constantly being hamstrung by cries of "good" and "worthy." Billions of dollars are being spent privately to promote the arts; record spending at art auctions has been headline news in recent months. If an artist is talented or a project is deserving, I am confident that private sources will recognize marketability and come forward with financial support. The Government in general and Congress in particular will then be freed from that most untenable of positions: Having responsibility without authority. If we have the responsibility to fund the arts, then we must also have the authority to determine what qualifies. I say the Government needs neither. This is not the time nor the place for any unnecessary Federal spending. Moreover, it will never be the time or place for action which smacks of censorship. To me, there is only one possible solution: Eliminate federally funded art.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, in turn, I yield 1 minute to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, we have heard a lot of discussion today about things that people do not like in the NEA, mistakes that have been made, things that have been offensive—even obsence—that have been done with funds from NEA.

Well, let tell you, I have been on the Armed Services Committee of this House for 9 years. I have seen mistakes. I have seen things that I did not like. I have seen things that have been offensive.

□ 1640

I have seen $400 hammers, I have seen $30 billion B-1 bombers that do not work. This is offensive.

But no one in this House has ever talked about closing down the Department of Defense, stopping public funding for the Department of Defense.

So let us say that we live with some mistakes. We can improve the process and the gentleman's amendment, the Williams amendment, later on, will do that. But the fact is, the fact is many good things are being done for many good people around this country, learning about the arts, and that contributes to the betterment of our Nation.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the gentleman from California.

Mr. ROHRABACHER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned $600 hammers. Would he correct those situations in the Department of Defense but could not correct the situation here?

Mr. HERTEL. I did correct them in the Department of Defense. We do correct them here also. We are correcting them today with the Williams amendment.

Mr. CRANE. Mr. Chairman, I yield 1 minute to our distinguished colleague the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding.

Let me get right to the point of the matter: Both the gentleman from Montana [Mr. WILLIAMS] and myself argue that we believe in freedom of expression for artists, we oppose Government censorship and regulation of the artists.

The gentleman from Montana proposes that we reauthorize the National Endowment for the Arts under stricter regulations with respect to the manner in which the expenditures will be given. I argue that we ought not have a Federal Government agency that decides what is or what is not art worthy of funding with taxpayer dollars.

His rebuttal to me is that I want to deregulate. Case closed. Vote yes for the Crane amendment if you believe in freedom of expression for artists.

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I rise in opposition to the Crane amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by Representative CRANE. This amendment seeks to end Federal funding for art and culture in America by abolishing the National Endowment for the Arts [NEA]. Eliminating the NEA would deprive millions of Americans, rich and poor, urban and rural, of the many artistic and cultural programs that this agency makes possible.

Our constituents recognize the merits of Government subsidy for the arts. In a recent nationwide poll, 68 percent of the American public stated their strong support for Government funding of arts. These people want the NEA to continue to preserve the cultural heritage of the United States, make the arts accessible to millions who might otherwise not enjoy them, and foster creativity in our society.

Remarkably, three out of the four of this year's Tony nominees in the "Best Play" category, including the winner, were developed at

NEA funded nonprofit theaters. So were the last 11 Pulitzer Prize winning plays.

When the National Endowment for the Arts was founded in 1965, there were 100 local arts agencies; now there are over 2,000. In 1965 there was one full-time professional chorus in the country, 60 professional orchestras, 37 professional dance companies, and 56 nonprofit professional theaters. Now, there are at least 57 professional choruses, 210 orchestras, 250 dance companies, and 400 theaters eligible for endowment support. The audience for all of these activities has grown exponentially.

Also, funds given by the endowment generate sizable donations from private sources. According to the New York Times, $119 million in grants made by the NEA in 1988 encouraged private to contributions of $1.3 billion more.

Without NEA encouragement much of that money would not be contributed.

Certainly, the Government, through the NEA, supports projects that would not get the attention they deserve without public money. For instance, the NEA funds hundreds of educational projects and projects that increase the access to art for inner-city and rural areas. The private sector might not do this as readily on its own.

Abolishing the NEA would eliminate national coordination of arts funding. From its broad national perspective the endowment can coordinate Government funding with the development of artistic programs and projects, and the growth of institutions throughout the country.

Abolishing the NEA would not save us much money either. Its 1991 appropriation totals $180 million. Aggregate Federal spending on culture this year comprises just one-half of 1 percent of the $1.23 trillion budget.

We have an agency that has successfully subsidized the arts in our country for the last 25 years. I strongly urge defeat of the Crane amendment and support H.R. 4825 unamended. Let's not let one or two controversial grants define our national attitude toward art, culture, and progress.

Mr. WILLIAMS. Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2½ minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the gentleman from Illinois [Mr. CRANE] asked me to support his amendment. I do not support his amendment. But I do support what he is trying to do to this debate. He is trying to purify it and purge it of all of the content restrictions that involve this debate, let alone our legislation before us.

We are debating whether to defund or refund. Why refund the arts? Let me try and bring this down to a macrolevel and let me answer the comments of my friend, the gentleman from Texas [Mr. ARMEY].

This is a letter from a professor at Waldorf College in Forest City, IA, about 2,800 people. She writes as follows:

I am a college art professor who has personally benefited from the National Endowment. Funds from it helped a photography exhibit of mine tour the state of Iowa. In addition, monies from the National Endowment has enabled me to schedule exhibits of international, national and local artists in the gallery that I direct here. Without this money, it would be impossible for me to schedule these exhibits and help educate this isolated area of Iowa about the beauty and wonder of art.

Mr. Chairman, I represent that isolated area of Iowa. There are thousands of grants like these all over the country that would not exist without the National Endowment. They would not exist if it was a confederation of regional endowments or local endowments. We would not have the 10-to-1 private funds to public funds that we have. This is an investment that works.

Strip away all the content restrictions, and you have got good business practices here. You have got something that you can actually say gives you a return on your money.

Yes, you can argue that every so often we have a bad apple. That is true in life. That is true in science. We have had space shuttles blow up in space and people die. We are not talking about defunding NASA.

All we are trying to do in this particular portion of the debate is argue whether we need a National Endownment at all. This is the debate to defund. Eventually we will get to the more insidious debate as to whether we should dismember the endowment or not.

But I ask you to strike down the Crane amendment because of the people in Waldorf, IA, and all over the country, and all of the districts that are represented on this floor.

We very often look at our mail not for content but just for volume. Other people are writing letters too. They are not signing petitions. They are writing in as to why this endowment affects them.

That is why we need to refund as opposed to defund.

Mr. CRANE. Mr. Chairman, I yield 1 minute to my distinguished colleague the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I have wrestled with this subject for over 2 years now, and I come to the unhappy conclusion that the only way to resolve the debate coming up over content restrictions, because although they have been few, they have been so blasphemous and so offensive and so arrogantly defended by the loudest, although minor, smallest voices in the arts community, that the only way I can see now after the last 2 weeks of pounding on the budget crisis is to go back to basics, consider what is essential in this Government—and that is what our defense budget is—and maybe revisit this next year.

The reason I am going to vote to support the Crane amendment is I find myself on the horns of a dilemma, absolutely dazzled by the National Endowment for the Humanities. There was a 5-night special called "The Civil War." Wanting to continue to fund that because I trust the leadership there, but not wanting to fund the one on the arts because I do not trust the leadership there.

So I vote to shut it down and see if we can revisit it next year after we have balanced our budget.

Mr. Chairman, we have a full-fledged, flaming budget crisis going on in this Chamber and in our country. And in the midst of that crisis some in this body are today attempting to reauthorize the National Endowment for the Arts.

Regardless of the social and cultural issues involved, it is simply ludicrous that this Congress continues lavishing money on special interest and corporate welfare programs that serve no essential Government function or vital national need.

Programs like the NEA are simply luxuries we cannot afford at the present time. And I don't know about your constituents, but I can tell you that the vast majority of my constituents would not choose to fund the NEA at this point in our history—controversy or not. My taxpayers will, however, sorely miss the income they will be paying for the new taxes this body is currently proposing, which will go to pay for all sorts of programs, the NEA only one of many. In reality, then, those increased tax revenues will not be going to balance the budget, but to instead pay for these interesting but low-priority programs.

What I want to know is this, Mr. Chairman. Why isn't anyone proposing program terminations? Why? Why are tax increases always the first resort? Are all Federal programs immortal? Are they? Are all Federal programs of equal worth? Is the NEA as important as national defense? Is it important as fighting crime and drug abuse? Is it as important as Medicare or Social Security or highways? I do not think so. And I think the same applies to the Economic Development Administration, the Legal Services Corporation, the Export-Import Bank direct loan program, and Amtrak subsidies, just to mention a few. So why are we still funding them? I suppose the main question is this: Is it worth raising taxes to continue funding such programs? Is it worth risking recession to continue funding such programs?

By refusing to terminate such nonvital programs we imply that they are as important as other truly vital national functions, which is of course absurd. If we are every going to get a handle on the deficit we are going to have to start terminating programs that have either outlived their usefulness or that provide no essential governmental service. And I say the time to start is today, right now, October 11, 1990, and the place to start is with the NEA.

So, Mr. Chairman let me expand my opposition to the reauthorization of the NEA and in

support of the Crane amendment. Again two, basic reasons, one economic and the other cultural.

The economic rationale for opposing the NEA reauthorization is simple. At a time when we are facing $200 billion deficit for the coming fiscal year, we just can't afford to spend taxpayer money on special interest or corporate welfare programs that do not address a vital national need. In short, again Mr. Chairman, the NEA is a luxury we simply can't afford at this time. This is especially true when liberals in this Chamber are so eager to raise taxes. In my view, if this Congress would only start doing what it was elected to do and eliminate all unnecessary program however pleasant sounding and curb waste and fraud, then a tax increase would not be necessary. Indeed, again there are a host of programs that could be terminated to start us on our way towards a balanced budget, including, but not limited to: The Rural Electrification Administration, the Farmers Home Administration, Amtrak, Urban Development Action Grants, the Legal Services Corporation and, yes, the National Endowment for the Arts.

It is incredible, Mr. Chairman, that given our precarious fiscal situation the liberal-left is fighting tooth and nail to spend millions of dollars on a totally unnecessary program. At a time when we should be going out of our way to eliminate programs, the liberal-left in this Chamber is going out of its way to save every single program, regardless of merit. Doesn't that strike anybody else here as a little silly? Who wants to be the one to tell the American people that their taxes are going to be raised to pay for programs like the NEA, especially with its current image, whether warranted or not?

The country does not need the NEA, Mr. Chairman. Moreover, I submit the American people would not miss the NEA. And when you consider that two famous paintings recently sold at auction for more than the entire annual NEA budget you have to wonder just how important this funding is to the arts community. I know Mr. Frohmayer says otherwise, and he has spent a lot of time trying to convince Members that this money is the life blood of the arts community. But he hasn't convinced me.

Now I would like to address the cultural aspects of my opposition to the NEA reauthorization. At this point let me say that I do not make these judgments lightly. I am a member of the Congressional Arts Caucus. I come from a family with a background in the theatre and motion pictures. I have done some acting myself, with a love of Shakespeare beyond any other artistic expression. So I think I understand and have an appreciation for the arts.

The problem is not the peer review process, as some of my colleagues claim, or some other institutional flaw within the system. It is the attitude of the NEA and the arts community in general to those few times the process results in an Andres Serrano or Robert Mapplethorpe. If the NEA had said of Serrano and Mapplethorpe, "Oops. Sorry. We made a mistake. It won't happen again," and if the arts community had said, "Serrano's blasphemy against the crucified Christ and Mapplethorpe's homoerotic photographs and child pornography are garbage which should never have been funded," then I am sure we would not be going through this exercise.

But the arts community, instead of decrying the Serrano and Mapplethorpe outrages, turned both of them into heroes, martyrs of the first amendment. Quite frankly, if that is the attitude of the arts community then I don't think they deserve a dime of the taxpayer's money. Serrano's loathsome picture of Christ was both blasphemous and bigoted. The controversial Mapplethorpe photographs were clearly pornographic, as in child pornography. For the arts community to claim otherwise just illustrates how cut off they are from traditional American values. But the arts community did more than defend this so-called art, they demanded that the taxpayer continue to fork over money to pay for it—with no strings attached. Talk about arrogance.

Illustrative of this attitude is the case of one Joseph Papp, producer, New York Shakespeare Festival, the Public Theater. Mr. Papp wanted $50,000 in taxpayer money for his Latin Festival, but was not sure if he should accept NEA guidelines as a condition of funding. In a letter to NEA Chairman Frohnmayer, Papp revealed that he was in a quandary over this particular situation and asked plaintively: "Is this a dilemma, or isn't it?"

Frankly, I see no dilemma at all. Mr. Papp was in a situation no different than any other recipient of Federal money. Take colleges and universities. Since Congress passed the Grove City bill, colleges and universities are not entitled to Federal funding if there exists "discrimination" in any of its programs. Restrictions also apply at the Defense Department. For instance, we do not allow manufacturers of jet aircraft to build and sell to the Government what they alone consider the best fighter plane. No indeed. Manufacturers are given specific design instructions concerning the number of engines, cockpit positions, speed, etc. We always hear that Congress is not full of art critics. Well it is not full of aeronautical engineers or rocket scientists either, but that doesn't prevent Congress from exercising its duty to provide guidance and accountability for how the taxpayers money is spent on those programs.

As my friend and colleague HENRY HYDE noted in his excellent article entitled "The Culture War," which appeared in the National Review:

> Public funds, in a democracy, are to be spent for public purposes, not for the satisfaction of individuals' aesthetic impulses. And if the impulse in question produces a work which is palpably offensive to the sensibilities of a significant proportion of the public, then that work ought not to be supported by public funds.

I ask my colleagues, what could be a simpler or more reasonable formulation?

Why does the arts community think it is somehow exempt from the strings the Federal Government attaches to all other Federal programs? We have turned some NEA recipients into nothing but a class of artistic welfare queens.

So I wrote Mr. Frohnmayer and told him that he should tell Mr. Papp in no uncertian terms that he has not right to the hard-earned money of the taxpayer. If he wants the privilege of a Government subsidy, he has to play by the rules set down by the people whose money, or sponsorship, he seeks. And I said to suggest to Mr. Papp that if his artistic and moral sensibilities have been so contaminated by his longtime participation in the "arts" community that he cannot, as he put it, "decide what others consider obscene," then he should not accept the grant. Indeed, if he is that out of touch with traditional American values Mr. Frohnmayer should not have waited for Papp to refuse the grant, which he eventually did, he should have withdrawn it. In that case, Papp could have done what that vast majority of people all over the country do, fund his production privately. If his festival has any merit, that should be a relatively easy task.

There is also a strain of thought running through this debate, Mr. Chairman, that obscene, blasphemous, or bigoted art does us or our culture no harm. Any offensive art—as long as it is offensive to Judeo-Christian values—is excused in a headlong rush to promote "diversity," as if that were the sole goal of artistic expression. Let me quote Irving Kristol on this point.

"What reason is there to think that anyone was ever corrupted by a book?" asks Kristol.

> This question, oddly enough, is asked by the very same people who seem convinced that advertisements in magazines or displays of violence on television do indeed have the power to corrupt. If you believe that no one was ever corrupted by a book you also have to believe that no one was ever improved by a book (or a play or a movie.) You have to believe, in other words, that all art is morally trivial * * * No one, not even a university professor, really believes that.

It is clear, Mr. Chairman, that America is engaged in a kulturkampf, or culture war. From flag burning to abortion to capital punishment to public funding for the arts, America is struggling to define its moral and ethical foundations. On one side are the moral relativists, whose philosophy can be summed up with the credo "If it feels good do it." It is a philosophy based on nothing more substantial than whim and fancy. On the other side are those who find their moral direction in the Judeo-Christian tradition.

The moral relativists have led this country to excuse—indeed sanction—drug abuse, sodomy, casual sex and its concomitant diseases, abortion-on-demand for any reason, and a host of other acts the traditional community has always deemed immoral. It is hard for me to see how our culture has progressed by tolerating such immoral, indeed barbarous, acts.

Regarding the dangers of moral relativism, Paul Johnson wrote in his masterwork Modern Times, "when legitimacy yields to force, and moral absolutes to relativism, a great darkness descends and angels become indistinguishable from devils." That is exactly what has happened in this debate, Mr. Chairman. Those of us defending the values which form the moral foundations of our way of life and which gave rise to the democratic institutions we do cherish, are accused of being censors and fascists. Those moral relativists who have produced bigoted, blasphemous, and porno-

graphic art are portrayed as persecuted champions of freedom.

Indeed, the misnamed People for the American Way has even launched a celebrity radio campaign criticizing conservatives who oppose Federal funding of obscene and bigoted art. Listen to the outright lies spread by actress Kathleen Turner. "Now the arts are under political attack by right-wing extremists. They fear the power art has in our lives. They want to control it."

Not to be outdone, actress Colleen Dewhurst spreads even more filth. "Imagine a world in which millions of people are at the mercy of a small band of extremists. In which works of art are subject to government censorship and freedom of expression is a crime. * * * Welcome to American, 1990."

Freedom of expression a "crime," Mr. Chairman?

What hyperbolic claptrap.

But perhaps the most outrageous statement came in print ads appearing in major newspapers and entertainment publications. Listen to this nonsense. "Last year we watched students fight for freedom in Tiananmen Square. This year, freedom is being threatened again * * * right here in America."

This, Mr. Chairman, is agitprop. And the agitators and propagandists at People for the American Way responsible for this willful disregard for the truth compose a rat-pack of leftwing lunatics.

What is going on here, Mr. Chairman? By what perverted twist of moral logic does even a mild proposal to require standards for public funding of the arts, as opposed to public display or performance, amount to censorship? Serrano's fellowship was 1 out of 10 chosen from a pool of about 500 applicants. Does this mean that the other 490 artists were censored because they didn't receive grants?

Mr. Chairman, this Member has had it. In fact, I've had a belly full of the whining of the arts community, particularly by those people who earn several million dollars to act in a single motion picture. It is time to strike a blow for traditional values and economic responsibility. It is time for average Americans to take their country back from the amoral elites—in the universities, in the dominant media culture, in certain sectors of the arts community, and elsewhere—who have nothing but contempt for them and their way of life. It is time to put the NEA out of business. Heaven knows we could use the money elsewhere.

Let me sum up my view of the NEA, Mr. Chairman, by quoting that famous New Yorker cartoon of 1928. "I say its spinach, and I say the hell with it."

Mr. WILLIAMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to the Crane amendment.

All over America, local artists and local arts groups rely on the National Endowment for the Arts for essential support. In my district, these groups are struggling for survival.

No one has ever questioned their work. It is not obscene. It does not violate community standards. Rather, it has enriched our community and the quality of life.

But this amendment will end all that. It will shut down deserving arts organizations all over this Nation, and it will do grave damage to our Nation's cultural heritage.

But let me tell you what else will be gravely damaged. In my congressional district, the National Endowment for the Arts provides grant funding to our local schools to expand arts education.

This amendment will end that also. It will take funds out of our schools and away from our children.

Mr. Chairman, I submit to you that any amendment that will harm our Nation's schools and damage our cultural heritage can only be described with one word: Obscene.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Crane amendment. I also want to say at least Mr. CRANE is direct in what he is saying and what he is doing. He is against the endowment, he is against continuation of the funding.

I suggest that the agenda for many people on the next amendment hereafter will be to accomplish the same thing. At least Mr. CRANE is forward and direct, and I appreciate his candor and bringing it to the attention of the body. Although I do oppose it vigorously because the NEA has provided access to everybody in this country to the arts, not only the wealthy, not only the elite, but to each and every citizen, people in the inner cities and in the rural areas. This is the only opportunity many of them have for art appreciation.

It is an extension of the culture of the country, and it is something that we ought to continue.

Mr. Chairman, I respectfully oppose the gentleman from Illinois' amendment, and I yield back the balance of my time.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, because our Nation is broke and almost $3 trillion in debt, I rise to support the Crane amendment.

I rise in support of the Crane amendment. This bill authorizes almost $1 billion for the NEA over the next 5 years. Our Nation simply cannot afford this expenditure at this time.

When a family is broke or in bankruptcy, it does not buy expensive works of art or attend high-priced performances, even though it might like to. Instead, a family in very poor financial condition spends its money on the basics—like food, clothing, shelter, and medical care.

This is the situation our Nation finds itself in today. We must limit ourselves to the basic necessities or our Nation will soon drown in a sea of debt.

Two days ago, syndicated columnist James J. Kilpatrick, in a column which ran in several hundred newspapers, said this concerning our Federal budget:

The budget is larded with fat. It oozes fat. Given the awesome prospect of monstrous deficits, members ought to ask of every appropriation: Is this necessary? Is it absolutely necessary? Is it absolutely, positively, unavoidably necessary? Or is the proposal merely desirable? Can we do without it for a year or so?

Until the day comes when such questions are seriously addressed, we will stagger from crisis to crisis. If a private business conducted its affairs as stupidly, the business would go broke. Year by year, that is where Congress is taking us now.

This is why, even though I have many good friends who are leaders in the arts community, I must support the amendment by the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois.

Mr. Chairman, while I also object to the scandalous and unapologetic record of the NEA in funding obscene, sacrilegious, and offensive projects, my main objections to continued funding of the NEA are primarily economic ones.

It is my belief that the NEA represents a growing arts bureaucracy which is draining vital resources in this time of budget crisis. It is just one more example of wasteful spending that needs to be cut in order to bring our budget in line.

In 1965 Congress created the National Foundation for the Arts and the Humanities and appropriated $2.5 million in funding.

In the intervening years the arts bureaucracy has grown and expanded at an incredible rate. Today we have four separate Federal agencies that have spun off that original program—they are the National Council for the Humanities, the National Endowment for the Humanities, the National Council for the Arts, and the National Endowment for the Arts, or the NEA.

The funding for the NEA alone last year was in excess of $171 million—an increase of 6,840 percent—or 274 percent per year.

But that is not all—we have seen countless spinoffs at the State level with State arts councils consuming more and more of the taxpayers' money.

Let us take a look at that arts bureaucracy up close. How efficient an agency is the NEA?

The NEA spends a total of 11 percent of its total budget on administrative costs. It has 267 full-time employees and 800 paid consultants on its payroll.

Supervising those almost 300 employees you have 63 middle management personnel of GM 13 level and above and 67 supervisory personnel of GS 11 level and above. That is roughly one supervisor for every two employees—what waste.

You would think it would take less administration and bureaucracy to give money away to artists.

But finally, let us ask ourselves, in this time of budget crisis, when we are contemplating raising taxes on the American people or cutting the benefits of our senior citizens on

Medicare, can we really afford to fund these kinds of wasteful and nonessential programs.

I do not have anything against art. I believe it is important. But the union will survive, and so will the arts community, if we shut down the NEA.

Private funds account for 97 percent of the money spent on the arts in this country. Surely the American people will make up the other 3 percent for those worthy art projects out there that now depend upon the NEA. I'm confident that will be the case.

We cannot afford to do everything we want to do. We have got to start making choices and eliminating everything that is not absolutely necessary.

We must start cutting somewhere. If we cannot cut spending here, on this item, I don't think we ever will cut spending.

Mr. CRANE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Crane amendment.

Mr. Chairman, I will vote in favor of the Crane amendment to H.R. 4825. This amendment would abolish the National Endowment of the Arts.

This was not an easy decision, yet it was an extremely important one. Our Nation's budget deficit has grown to an unacceptable level. During this time of fiscal crisis, it is essential that we, as lawmakers, prioritize what is important for our country's welfare. In doing so, I simply cannot put the authorization of the arts in the same category as providing Medicare for the elderly or ensuring our country's defense.

When speaking on this issue, other Members of Congress have shown their distaste for certain federally subsidized exhibits. While I may share their concern about the content of artwork, I do not believe that it is a question of censorship, but simply a question of appropriate use of the taxpayers' dollars.

Personally, I am a great supporter of the arts. I have supported many organizations within my district which provide us with the joy of music, heritage, and culture, to name a few. Private donations and endorsements certainly are paramount to the existence of the arts and humanities; now and in the future. The $175 million lost in public funds could easily be recovered by the public sector; people like you and me. Currently the private sector spends nearly $7 billion on arts advancement each year.

During this time of financial constraint, however, we must examine our programs and cut those which are not at the top of the list. Coming to this realization, I simply must support the Crane amendment which would abolish the National Endowment of the Arts.

I believe this is in the best interest of my constituents as well as all Americans so that they may receive the services they so desperately need during this time of fiscal despair.

Mr. CRANE. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, there is a common thread running through this debate, and I rise in support of my colleague's amendment, the gentleman from Illinois, on the suggestion of deleting roughly $170 million from our deficit.

The issue we are debating here is the existence of a standard in American culture. There is a cultural war going on in this country. The proponents on one side—and I am not saying they are here—but in this cultural war the philosophy of humanism or moral relativism says there are no standards in American society.

□ 1650

Mr. Chairman, we know better. The Judeo-Christian ethic is the foundation of our civilization that says there are standards.

We are not going to settle this fight, this cultural war, by voting for or against this amendment, but I suggest that, in spending taxpayers' money, we can just retire entirely from this field because frankly, with the national debt being over $3 trillion, I think the taxpayers of this country have no business being involved in funding a legitimate enterprise, which is the arts in the United States.

Mr. WILLIAMS. Mr. Chairman, I reserve the balance of my time, as it is my understanding that I would close.

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] has 30 seconds remaining.

Mr. CRANE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think we have already heard the arguments, and I would argue that the presentation of the gentleman from Iowa [Mr. GRANDY] represents the logical alternative. I say to my colleagues, "You can continue to fund without government guidelines and restrictions, or you recognize that this is not a function of the National Government."

Mr. Chairman, one of the representatives from Virginia at the Constitutional Convention said this about Government funding of the arts:

Congress might, like many loyal benefactors, misplace their munificence and neglect a much greater genius of another.

That already exists with the creation of the NEA. As I said, three people making requests get turned down for every fourth who gets accepted, and there is a misallocation of resources in terms of how that money is distributed to the States.

Mr. Chairman, I would urge my colleagues to support my amendment.

Mr. WILLIAMS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, make no mistake about it. This vote is to kill the NEA in this country and in our States and districts.

Not many blocks from this Chamber is a monument that is now simply called the wall. Americans of all ages and races come by the thousands to that remarkable spot each and every day, no matter rain or snow; mindful of patriotism they come. We have forgotten now that the Vietnam war was at first controversial when the NEA first funded it.

Out in the State of Montana, out in eastern Montana, there is a high point on the ground which is called Poker Jim Butte. A less populated area of the country one could hardly find. Yet out on Poker Jim Butte, around sunset, people come from all around, ranchers, cowboys, Indians, moms, dads, and little children, and they watch "A Midsummer Night's Dream" by Shakespeare. Shakespeare in Montana! And in one of the most lightly populated places in this country!

Mr. Chairman, I say to my colleagues, "You look east into the Dakotas, south into Wyoming, into the Big Horn Mountains, you look north at the northern Cheyenne Indian Reservation. People come to Poker Jim Butte to watch Shakespeare in Montana."

Do not vote for the amendment of the gentleman from Illinois [Mr. CRANE]. Do not vote to end the opportunities for people to continue to visit the Vietnam Wall funded by the NEA and go to Poker Jim Butte in Montana to watch Shakespeare in the sunset. Vote "no" on Crane.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Illinois [Mr. CRANE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 64, noes 361, not voting 8, as follows:

[Roll No. 446]

AYES—64

Archer	DeLay	Grant
Armey	Dickinson	Hall (TX)
Barton	Dornan (CA)	Hancock
Bennett	Douglas	Hastert
Bunning	Dreier	Herger
Burton	Duncan	Holloway
Callahan	Edwards (OK)	Hunter
Campbell (CA)	Fields	Hutto
Cox	Gekas	Hyde
Crane	Gibbons	Inhofe
Dannemeyer	Gradison	Kyl

Laughlin
Lightfoot
Livingston
Luken, Thomas
Lukens, Donald
Marlenee
McCandless
McEwen
Miller (OH)
Parker
Petri
Quillen
Robinson
Rohrabacher
Sarpalius
Shumway
Shuster
Skelton
Slaughter (VA)
Smith, Robert (NH)
Solomon
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor
Vander Jagt
Vucanovich
Walker

NOES—361

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—8

Boggs
Gingrich
Leath (TX)
Morrison (CT)
Rowland (CT)
Schuette
Wilson
Wylie

□ 1713

Mrs. SMITH of Nebraska and Mr. HUGHES changed their vote from "aye" to "no."

Messrs. ARCHER, THOMAS A. LUKEN, EDWARDS of Oklahoma, and PARKER changed their vote from "no" to "aye."

So the amendments en bloc were rejected.

The results of the vote was announced as above recorded.

The CHAIRMAN. It is not in order to consider amendment No. 2 printed in House Report 101-801.

AMENDMENTS EN BLOC OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. ROHRABACHER: Page 4, after line 15, insert the following (and redesignate references and succeeding sections accordingly):

SEC. 9. Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended—

(1) by redesignating subsections (k) through (m) as subsections (r) through (t), respectively, and

(2) by inserting after subsection (j) the following:

"(k) Each recipient of such assistance shall submit detailed reports to the Chairperson or the State, as appropriate, on a regular basis. Each such report shall contain—

"(1) a description of all activities undertaken by such recipient to promote or carry out each approved project, production, workshop, or program for which such assistance was received; and

"(2) a videotape or photographs of such activities.

"(l) None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce matter that—

"(1) is obscene; or

"(2) depicts or describes, in a patently offensive way, human sexual or excretory activities or organs.

"(m) None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce matter that has the purpose or effect of denigrating the beliefs, tenets, or objects of a particular religion.

"(n) None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce matter that has the purpose or effect of denigrating an individual, or group of individuals, on the basis of race, sex, handicap, or national origin.

"(o)(1) None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce material which employs, uses, persuades, induces, entices, or coerces any minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

"(2) For purposes of this subsection—

"(A) the term 'minor' means an individual under the age of 18 years; and

"(B) the term 'sexually explicit conduct' means actual or simulated—

"(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(ii) bestiality;

"(iii) masturbation;

"(iv) sadistic or masochistic abuse; or

"(v) lascivious exhibition of the genitals or pubic area of any person; and

"(C) the term 'visual depiction' includes undeveloped film and videotape.

"(p) None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce matter in which the flag of the United States is mutilated, defaced, physically defiled, burned, maintained on the floor or ground, or trampled.

"(q) None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce matter that includes any part of an actual human embryo or fetus.".

SEC. 10. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955) is amended—

(1) in subsection (a)—

(A) the first sentence by striking ", who shall be Chairperson of the Council,", and

(B) by adding at the end the following: "The chairperson of Council shall be chosen by the Council from among the members of the Council.", and

(2) in subsection (d) by adding at the end the following:

"The meetings of the Council shall be open to the public, and the minutes of such meetings shall be made available promptly to the public.".

Page 8, after line 1, insert the following (and make such technical corrections as may be appropriate):

(1) by inserting the following after the tenth sentence:

"The meetings of such panels shall be open to the public, and the minutes of such meetings shall be made available promptly to the public.".

Page 12, after line 3, insert the following (and redesignate references and succeeding sections accordingly):

SEC. 33. It is the sense of the Congress that the Chairperson of the National Endowment for the Arts—

(1) has discretion under section 5 of the National Foundation on the Arts and the Humanities Act of 1965 to refuse to provide financial assistance for any project, production, workshop or program for which support by the Federal Government would be inappropriate as determined by the Chairperson;

(2) has authority under section 10(a) of such Act to issue rules to exercise such discretion; and

(3) should exercise such discretion and authority to ensure that any project, production, workshop, or program for which the Chairperson provides financial assistance is of such a nature so as to be worthy of the sponsorship of the Federal Government.

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] will be recognized for 15 minutes, and the gentleman from Montana [Mr. WILLIAMS] will be recognized for 15 minutes in opposition to the amendment.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. COLEMAN] be allowed to control 7½ minutes of my time for the purpose of yielding to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HENRY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY. Mr. Chairman, does the rule provide for waiving the reading of the amendments?

The CHAIRMAN. The gentleman is correct. The amendment is printed in the report of the Committee on Rules.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, we have heard a lot of talk today and eloquent defenses of freedom of speech, and we have also heard charges of book burning, bigotry, and censorship.

One can believe in the broadest scope of freedom of expression while agreeing that there are limits as to what the Federal Government should or should not subsidize, even when there is not a scarcity of Federal funds. Is it censorship, bigotry and book burning to set standards so that scarce Federal dollars are not wasted on projects that are indistinguishable from hardcore pornography? Is it bigotry, censorship, and book burning to prevent the subsidy of portrayals of Jesus Christ shooting heroin?

If there is bigotry, it is the bigotry of so-called artists who insist on a subsidy from citizens whose religion and values they intend to savage. In these days when we hear objections to manger scenes placed on city hall lawns, and at the same time when we here people talking to us and telling us that it is censorship to subsidize vicious attacks on Christianity, that we have to subsidize the submergence of Jesus Christ in a bottle of urine, it seems like the world has gone crazy.

□ 1720

I, for one, refuse to accept this madness, Mr. Chairman.

The amendment I have offered will prohibit the National Endowment for the Arts from funding works that contain child pornography, obscenity, indecency, or works that attack religion or desecrate the American flag. My amendment is the only amendment that will be offered today that will ensure that the National Endowment for the Arts will spend their dollars, their tax dollars, in a responsible manner.

The first part of my amendment will prohibit the National Endowment for the Arts from funding works that may well violate the Federal law in regard to child pornography. In fact, two of the photographs in the federally funded Mapplethorpe exhibit included photos of naked children which focused on their genitals.

The NEA also gave $17,000 in 1989 and $12,500 in 1988 to En Foco, Inc., which produced Nueva Luz, a photographic journal which included photographs of naked children in sexually photographic and sexually explicit situations with naked adults.

My amendment would prohibit funding such projects.

Another section provides that the National Endowment for the Arts may not fund obscenity or material which is prohibited from broadcast on television under FCC definition of indecency. Why should we be supporting things or why should we be subsidizing projects that cannot even be shown on TV?

The National Endowment for the Arts, even under the leadership of John Frohnmayer, provided $9,000 to the San Francisco Lesbian and Gay Film Festival which, in turn, showed films such as "Looking for My Penis" and "Blow Job." The list of NEA-funded pornography includes Annie Sprinkle, and last year, as the evidence suggests, the NEA gave the Kitchen Theater over $300,000, which includes $60,000 specifically for artist fees related to the costs for the 1989-90 season, meaning the season in which Miss Sprinkle performed her live sex act on stage in New York. It also includes Tongues of Flame, Modern Primitives, John Fleck, Holly Hughes, Karen Finley, all supported by that grant.

My amendment would prohibit funding of such obscenity and indecency at a time when we cannot afford the essentials, at a time when our Government is going broke.

The third section of my amendment prohibits the NEA from funding works that denigrate the beliefs or objects of any particular religion, and I do not care if it is Christianity or Judaism or any other religion, we have no business spending scarce Federal dollars at a time when we cannot afford to take care of the health needs of our people on anything that attacks somebody's religion.

The NEA provided, through a subgrantee, a $15,000 fellowship for Andy Serrano, whose works included, the taxpayers' funds, of course, "Piss Christ" and "Piss Pope." They also provided a $15,000 grant to show "Tongues of Flames" which included attacks on the Catholic Church, laced with four-letter words.

If my amendment passes, artists could continue to attack religion. That is what freedom of expression is all about. People have a right to attack somebody else's religion. But they do not have a right to Federal subsidies and to tax those people whose religion they are attacking to obtain their funds.

Another section provides that the NEA may not fund works which have the purpose or effect of denigrating an individual on the basis of his race, sex, handicap, or national origin.

This section is essentially a codification of current unwritten content restrictions that the NEA peer review panels have enforced quite well.

The fifth part of my amendment says that the NEA may not fund works which desecrate the flag of the United States as defined by the Flag Protection Act of 1989 which I would like to remind my colleagues passed this House by a wide margin.

The NEA, through a subgrant for artist space, provided funds for a Degenerate, with a capital "D," art show which included the so-called proper way of displaying the flag. This work encouraged viewers to trample on Old Glory. The Supreme Court said it is legal to burn and trample the flag and, yes, we have to put up with such things in a free society, but at least we can assure the taxpayers do not have to pay the bill or buy the matches or buy the lighter fluid for those who want to participate in this kind of expression.

The final section of my amendment provides that the National Endowment for the Arts may not fund works which contain any part of an actual, and not a statue, but an actual human embryo or fetus. The same degenerate art show displayed a human embryo as

part of its so-called art exhibit, and artists may still display an aborted baby, or they may try to denigrate the human body in any way they want, but they cannot expect to have our tax dollars, scarce tax dollars, subsidize this type of denigration of the human body.

The gentleman from Montana [Mr. WILLIAMS] and the gentleman from Missouri [Mr. COLEMAN] are offering a so-called compromise which I do not believe is a compromise at all. They have been on the same side of this issue opposed to content restriction through this entire debate for the year. It is a compromise between Members who hold the same belief, a compromise between people on the same side of the table, and it is no compromise at all.

It is my amendment that will set standards so that our tax dollars are not wasted at a time when we are struggling to come up with the funds for essential services. The American people cannot understand $15,000 that goes to subsidize someone who is putting a picture of Jesus Christ in a bottle of urine. They know that that is waste, and we can do something about it.

My amendment would do something about it.

The Williams-Coleman substitute, gut-the-standard substitute, would prevent us from acting in a way that would prevent our dollars from subsidizing this travesty.

I ask my colleagues for support of my amendment and ask for a rejection of the William-Coleman amendment, the gut-the-standard substitute amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER], who I note was once chair of the State arts council in his great State of North Carolina.

Mr. LANCASTER. Mr. Chairman, it is very difficult for me to oppose the Rohrabacher amendment, because, like he, and like most Americans, I strongly oppose the funding of art that is obscene with tax dollars.

However, as the former chairman of the North Carolina Arts Council, I am very incensed by this practice, but at the same time, I am a strong supporter of the National Endowment for the Arts, because I know the good that it has done for my State and for the arts community of my State.

Mr. Chairman, I have pledged to my constituents that I will work for passage of legislation that does ensure that obscenity is no longer funded by tax dollars, but you and I, Mr. Chairman, and our colleagues have a higher obligation, and that is the obligation that we took when we swore the oath of office, and that is to defend and protect the Constitution of the United States.

I regret to inform this body that, in my opinion as an attorney, the Rohrabacher amendment is, in fact, unconstitutional and would be struck down by a court of law if it were enacted.

□ 1730

It is an admirable goal, but it will backfire in the end. I support the enactment of effective legislation, legislation that will address the problem of funding obscenity with the National Endowment for the Arts fund, and I believe that the Williams-Coleman compromise does just that.

It is an effective piece of legislation which will accomplish what many of our constituents want to accomplish, and I urge support of the compromise, and urge that Members vote against the Rohrabacher amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I stand here to object to the Rohrabacher amendment. In due deference to the gentleman from California [Mr. ROHRABACHER], who I respect, I will oppose the passage of this amendment. Why? Because the NEA is infallible? Hardly. Hardly anyone is infallible in this city. Because it has not and will continue not to make mistakes? Absolutely not. I object to it because the real purpose I believe in this amendment is to cut the heart out of all Federal educational arts support.

The pornography issue is a ruse. The thrust is to eliminate any Government dollars for the arts. No one here wants to support pornography. It is a red herring. It can be and is being handled by the NEA well. As long as people are people, we will always have to keep an eye on it.

Frankly, I resent my colleagues telling me what the people in my district think I should do about an area, when they have never even been there. Also, I resent very much religious groups threatening me and telling me that I am not a good Christian if I do not vote for the Rohrabacher amendment. I believe in that inscription up there, "In God We Trust," and not in someone who claims they have a special line to our Lord.

When I was growing up, there was no art in this little rural community in which I lived. Nothing. All we listened to was Walter Damrosch on the radio. All my adult life I have tried to bring arts and cultural things into this community, to make the younger people better off for this wonderful heritage which we have. I resent people who are going to try to object to that, because without it we have nothing.

Let the NEA stand aside everyone else in terms of its cuts with the budget process, but let Members not single it out. I object to this amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me. By the perverse logic of this debate, I am going to try to be in agreement with the proponents of continuation of the National Endowment for the Arts because that is what we have just expressed by virtue of the last vote as the will of this Congress.

When we argued that we ought not to continue to authorize this agency, we were said to be deregulating. Well, by that logic, then, the existence of the National Endowment for the Arts then is the existence of an agency that regulates art. I oppose that. Nevertheless, that is what we say we want to do, is let a Federal Government agency regulate the arts.

Then we have seen it argued around here that if we seek to deny somebody Federal funding by virtue of your judgment of the quality of their art work, this is censorship. This Federal agency called the NEA turned down 13,000 applicants last year. That makes them the greatest censor of art in America.

Now the question is, if we are going to have a Federal Government agency that censors the art world decide who shall receive money and who shall not receive money, and we get the art, what will be the terms by which that regulation will take force, the terms self-defined by the arts community members appointed to the panel? Or the terms defined by the Members of Congress in our oversight role?

I ask those Members that think this is an intrusion, to read the Department of Agriculture regulations, read the regulations by which we define the terms of expenditures of any other agency in this Government, and I say vote yes.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, ever since I learned about the Rohrabacher amendment, something has been bothering me deep inside, and I hope I can express it in 1 minute.

I did not come here, Mr. Chairman, to be a censor. My district did not send me here to be a censor or an art critic, yet if this amendment passes, Congress will be the ultimate art censor, the ultimate art critic, the ultimate art police. I did come here to defend freedom, and I think we all came here to defend freedom. This amendment is arrogant. It tries to take the place of the family.

I raised a family. I know what it is like. I do not know if the author of this amendment ever raised a family. That is the place to teach values.

This amendment tries to take back the power of the courts to reject this amendment. After the walls of repression have come down in Eastern Europe, let Members not build one here. Let Members defend freedom. Let Members defend the arts. Let Members defeat the Rohrabacher amendment, and let Members do it with conviction.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, last year I supported virtually the same amendment we are considering today. Frankly, I was concerned. I was afraid that the arts funding I support could literally be jeopardized by a handful of people who abuse the privilege of Federal funding. This is a real concern.

I think the American people want NEA funding for the arts, just as I do. But they also want a common sense standard. They do not want to see the kind of art that our friend from California has described.

Now, during the past year, I met with a number of arts groups, both within my district, in the State of Washington, and here in Washington, DC. I frankly found them to be very responsive, extremely concerned, supportive of exactly the same standards that I think we are all interested in, and none of them have ever nor do they contemplate producing obscenity.

Now, the Williams-Coleman amendment I think is a rational, reasonable way to go. Certainly, the arts community is on notice. They understand the requirements. If an artist is to receive Federal funding, then he or she is certainly going to have to be responsive to the concerns of the taxpaying community, otherwise there will be legitimate criticism raised and Federal funding will be jeopardized.

I would like to suggest the adoption of the Williams-Coleman amendment. It is a reasonable compromise and deserves at least a yearlong trial.

Mr. ROHRABACHER. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, if we analyze the Williams-Coleman substitute with the Rohrabacher amendment, the proponents of the Williams-Coleman amendment substitute will say that it provides sufficient control over using Federal tax dollars to produce obscenity, and their explanation is that if the recipient produces obscenity and is convicted in a court of law of having produced obscenity, then that artist may be required to return the money. May, if the Director of the NEA so decides.

Let me suggest to my colleagues that a jury considering the issue of obscenity will be addressed by the lawyer for the defense, and the lawyer for the defense will say something like this: "Ladies and gentlemen of the jury, does this prosecutor, is he or she really serious that this artist produced obscene material, when we consider that some of the most enlightened, artistic people in America serving on the board of directors of NEA, have funded this exhibit?"

□ 1740

Can any prosecutor be serious that these distinguished men and women of our society would ever fund something that is obscene? Accordingly, they will be instructed by the judge to consider the comments that I have just described among all the other evidence, and for these reasons I think the Williams-Coleman amendment is a fig leaf. I will not describe it as an obscene fig leaf, because that would be disrespectful, but it is a fig leaf nevertheless.

The Rohrabacher amendment should be adopted.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman is absolutely wrong. If he had read the Williams-Coleman substitute, we expressly on page 8 state, "Approval of a grant shall not be construed to mean that the project is or is not obscene for purpose of judicial finding of obscenity," which blows the gentleman out of the saddle in his argument, because that is exactly what they were concerned with.

Mr. DANNEMEYER. Mr. Chairman, if the gentleman will yield, does the gentleman think that language is going to bother a defense lawyer? I have news for the gentleman. It will not bother him a bit.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I understand the concerns of people who object to some of the work the NEA has funded and that concern is justified in some of the more extreme cases of the visual arts. But the language of this amendment is so vague and so subjective that it would be impossible to administer, and probably unconstitutionally vague. It says that the National Endowment for the Arts shall not fund works that "denigrates" the beliefs or objects of a particular religion or an individual on the basis of race, sex, handicap, or national origin.

What religion are we talking about? Would it be the Unification Church, the Church of Scientology, the Buddhist religion, or just the more traditional religious practices in the western world? What are these religious objects? A wine glass, a robe, a cow, an Easter lily, meat, bread, a palm leaf? Each religion has hundreds, maybe thousands of objects that could be considered religious in a variety of contexts.

And what about denigrating? What does it mean? I have the dictionary here. Denigrate is defined to cast aspersions on, to deny the importance or validity of. What does that mean? Under the Rohrabacher language, attacking anyone in a piece of Federal literature, art music or dance, for almost any reason, could be subjected to the prohibitions of his language. That is ridiculous. You would end up with no art being funded at all. Maybe that is what is behind the gentleman's reasoning, but that is bad reasoning to approve this amendment.

The Williams-Coleman amendment has constructively improved the NEA. It has tightened its operations, particularly as it relates to obscenity. It properly protects the taxpayer. Vote for it. But vote against this bad Rohrabacher amendment, which is intentionally vague and badly motivated.

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of this very fair and reasonable amendment by the gentleman from California.

It is important to note that this amendment does not censor anything. It has nothing whatsoever to do with censorship. Artists would still be free to create any type of art they wanted, no matter how obscene or pornographic.

This amendment does prohibit taxpayer funding of child pornography.

It would prohibit tax money from being spent on something obscene, something that would be prohibited by the FCC from being broadcast over our airwaves.

It would prohibit Government funds for art that denigrated a particular religion or someone on the basis of race, sex, something that would be prohibited by the FCC, or race or national origin.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Missouri.

Mr. COLEMAN OF Missouri. Mr. Chairman, I believe the gentleman dropped that out of his amendment. If I am not mistaken, it is no longer in there. Indecency is not in the Rohrabacher amendment.

Mr. DUNCAN. All of these are very reasonable restrictions.

The greatest art that this world has seen has been produced without Government funding. Our Federal Government is broke and almost $3½ trilion in debt. We have many needs which are not being met. We certainly do not need to be wasting the taxpayers' hard-earned money on so-called art that is obscene or pornographic,

art that probably 99 percent of the people are opposed.

Mr. Chairman, I urge a vote in support of the Rohrabacher amendment.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, this amendment seizes on some isolated controversies and masks itself as being against offensive art, but it is intentionally too sweeping, intentionally too extreme, and intentionally harmful to public art.

This amendment says you cannot denigrate the beliefs of any religion. Who decides that?

Do you know that according to Islamic Fundamentalism it is a sin for a woman to expose the back of her neck? There are Americans who are Islamic Fundamentalists. Are we now going to arrest any actress who walks on a stage with her neck uncovered?

This amendment also bans the depiction of human sexual organs. Sounds like a good vote to take to the folks back home, Mr. Chairman; but I have here on the table a photograph, which I cannot display, which is a photograph of Michelangelo's Statue of David. It displays sexual organs. Are we going to say that in the future if the NEA funds an exhibit with the Statue of David, it has to have a jock strap on it?

This is an extreme amendment. It should be defeated.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I urge you to carefully consider your position in this matter and urge you to vote no on the Rohrabacher amendment, for several fundamental reasons.

First of all, it is cast in misinformation and misrepresentation. To suggest that someone who opposes the Rohrabacher amendment and supports the substitute is then going on to vote for "Piss Christ" and "Gay Film Festival," child pornography, or denigrating the flag does violence to every member in this body, and it is wrong.

Second, I want to make it very clear that I stood with the gentleman from California [Mr. ROHRABACHER] on the issue of reform in the content of the NEA, and the gentleman is well aware of that and the Members of this body are aware of that. I want to make clear that my concerns have been satisfied in the substitute bill.

Listen to the language.

Artistic excellence and merit are the criteria on which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

That reaches well beyond pornography and obscenity to a standard of general decency, and that is what we want from the NEA, and it is in there.

Mr. WILLIAMS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this amendment is censorship and extremism, pure and simple. Whatever its intent, it is an effort to intimidate artists in their free expression of ideas and their exercise of first amendment rights. In a free and strong society such as ours, nothing including art is dangerous enough to compromise our commitment to the first amendment.

The time has come to send a clear message that Congress will not be intimidated by an amendment such as this or by the zealots from the Moral Majority and the extreme right wing who are pressuring people to support it.

Mr. Chairman, I urge my colleagues to defeat this damaging amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the Rohrabacher amendment for a variety of reasons, not the least of which is the gentleman's attempt to restrict, as the gentleman says, denigration of religion. I want to point out to the body that conduct and beliefs dear to one religion may seem the rankest sacrilege to another.

Under the Rohrabacher amendment, I suppose you could not make a drawing of the Ayatollah Khomeini or anybody else of a different religion, because they may be offended by it.

Mr. Chairman, let me point out that one of Missouri's famous artists is Thomas Hart Benton, son of a Congressman. His great uncle was Senator Thomas Hart Benton, whose statute is over here in Statuary Hall. In 1936 he was commissioned to do a mural for the Missouri Capitol, and in 1936 the legislators when this was unveiled said, "Whitewash the murals. They are vulgar. Look at those half-naked dancers."

Mr. Chairman, as a member of the State House of Representatives for 4 years, I sat in that hearing room and looked at all of this, and I wonder how on earth Thomas Hart Benton could ever be funded under the Rohrabacher amendment. All Thomas Hart Benton did was try to depict the history of Missouri. Yes, we had slavery. Yes, we had Frankie and Johnny where she shot Johnny because he was off with another woman. You could not do that under the Rohrabacher amendment, because of the back they were of the black race and that might be denigrating of that race. There are a variety of things that the Rohrabacher amendment will not allow.

□ 1750

How about the politicians that Thomas Hart Benton used to poke fun of? Are politicians off the table here? We can't denigrate them? This is how absurd the Rohrabacher amendment is. It goes through a whole laundry list of things that Mr. WILLIAMS and I, in our substitute believe we can screen out without having to put through the laundry list of things, of the works that he is trying to curtail.

Let me say this about the red herring: Child pornography is obscene, obscenity is not to be funded under the Williams-Coleman amendment. Therefore, any suggestion that this is the only way to prohibit funding of child pornography is absolutely false.

Mr. ROHRABACHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in support of the Rohrabacher amendment.

Mr. Chairman, here in Congress, on a regular basis, we must make very difficult decisions on what is appropriate and what is not appropriate in terms of spending the public's money.

And that is not always easy, because each of us here has different priorities. Each of us here represents a district with different needs. So, it is natural that arriving at an agreement on spending priorities will always be difficult.

But, in this instance, I cannot believe that there is any dispute at all.

It seems so elementary to me, that the Federal Government cannot and should not be put in a position whereby it could sponsor or subsidize material which could be considered pornographic or objectionable to a large number of people.

It is not a matter of censorship. This is a matter of sponsorship. The question is: Should the Federal Government use taxpayer funds to subsidize filth? The answer is clearly; No.

I believe in encouraging art. I think it is an appropriate area of Government involvement. I support the National Endowment. My wife is an artist. She doesn't get any money from the NEA but she is an artist. Every year, I sponsor the Congressional Artistic Discovery Contest in my district.

So, I support art. I think it is important to the cultural enrichment of our society.

But, smut does not need a Federal subsidy. Smut does not deserve a Federal subsidy.

And we do a serious disservice to our constituents if we give a blank check to the National Endowment for the Arts.

On a regular basis, in this body, we restrict funds from being used for specific purposes. We should do that now by passing the Rohrabacher amendment and putting appropriate restrictions on NEA funding.

It is not censorship. It is common sense.

Mr. ROHRABACHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, I rise in support of the Rohrabacher amendment.

Mr. Chairman, it is a privilege for me to stand here today and support this amendment. It does what should be done. It accomplishes what the vast majority of Americans believe should be accomplished. It is the right thing to do—for a lot of reasons.

We in this country, we in this House, those in the other body, are facing a fiscal crisis. The chickens are coming home to roost. The Federal Government cannot afford to be everything to everybody. Uncle Sam cannot pay for everything. We should not pay for everything. It is questionable at best, that there is Government funding of the arts generally, in this era of diminished resources, during this time when national landmarks and museums are being closed and workers are being laid off. However, public funding of offensive art exhibits in particular is unacceptable.

We certainly cannot justify using taxpayer dollars to pay for dirt and smut, pure and simple pornography. It is a question of sponsorship, not censorship. Mr. Speaker, we should not try to tell artists what art is. But we certainly don't have to use taxpayer dollars to pay for junk which millions of Americans, including this Congressman, find indecent and obscene. We don't want our hard-earned money used to subsidize smut. It's that simple.

The Rohrabacher amendment, which I rise to support today, would keep the Federal Government from using taxpayer dollars to fund such vile, sacreligious exhibits. It is high time that we put the brakes on the way we use taxpayer dollars. There is no better place to start than by approving this amendment.

Mr. ROHRABACHER. Mr. Chairman, we have heard that people do not want to be censors here in this body. No one is suggesting that anyone be a censor in this body. What we are suggesting is that we be held accountable for every dollar taxed out of our constituents' pockets.

I would rather leave those dollars in their pockets or have them going toward more essential services that we are struggling to fund right now than go for the National Endowment for the Arts. Never made any beans about that. I have always admitted that.

I would prefer that there was no National Endowment for the Arts. And those decisions as to what art will be subsidized or will not be subsidized would be left in the hands of the American people themselves.

However, if we tax away the dollars from the American people, we owe them, these hard-working people who work diligently for their money, work long hours, to see that those dollars are not channeled to things that those people consider to be immoral or channeled to things that attack their very religion.

If you cannot tell the difference, if you cannot tell the difference between Michelangelo and some of the hardcore pornography that has been funded by the National Endowment for the Arts, one should not be on a Government panel.

I say that if there is a question—and my amendment stresses if there is a question—maybe we should pass on those particular works. It is hard to define what is art and what is not, yes. But if it is a question of attacking somebody's religion, if it is denigrating Jesus Christ, if it is pornography or child pornography, we should pass on those, and go to support those projects where there is not a question because there are many, many people who have needs in this society.

I would prefer, actually, for those needs to be met outside of the artists' community, and let us meet the health needs of our people before we try to hang pictures on the wall. But if we are going to take that money from our people to make those decisions, for goodness sakes, let us insure, let us have standards so that our tax dollars will not be wasted on pornography and sacreligious artworks.

Mr. WILLIAMS. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise against the thought police, the art police, the music police, and the Rohrabacher amendment.

Mr. Chairman, I use this 30 seconds to ask Mr. ROHRABACHER a question. I happen to belong to a faith of people that have 3 million people or so, 6 million people in this country. To many of them, the consumption of pork products is an anathema. Would the gentleman protect us by not having funding for people who want to draw pictures of other people eating ham sandwiches or bacon, lettuce and tomato? Because if you do——

Mr. ROHRABACHER. Mr. Chairman, we would ensure that Jews are not discriminated against and not denigrated by some Nazi group who happened to be funded by a grant from the NEA.

Mr. ACKERMAN. That is not answering the question. How about pictures of the slaughterhouses in Chicago. There are millions of Muslims and Hindus who do not want to see sacred cows slaughtered. Would you be able to fund that?

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, throughout history, there have been those who would trample the arts, who would devastate culture, who would destroy the humanities, all in the name of morality.

But, Mr. Chairman, we have outlived them. We outlived the Spanish Inquisition, we have outlived the Victorian censors, we have outlived Hitler, we have outlived the Russian repression. The book burners are being relegated to history.

It is time to rid ourselves of the misguided minority who would force their will on the majority. Ours is a strong, vibrant, alive culture. And support for and love of the arts and humanities is the cornerstone of any civilized society.

Our people are too smart to turn back the clock. This amendment seeks to do just that. This amendment would ban the statue of David, a timeless example of form and beauty. Perhaps all of Michelangelo's work would have been banned. Are we, for example, to paint over the ceiling of the Sistine Chapel, because the painter was homosexual? Or burn the works of Oscar Wilde? Do we excise Tennessee Williams from history? Do we censor performances of "A Streetcar Named Desire" because of homosexual undertones? Perhaps we would have prevented Liberace from entertaining millions of senior citizens with some of the most talented piano playing of this century because of his sexual orientation.

What about Shakespeare? Does the character Shylock mortally offend the Jewish faith? No, it does not. The faith is immortal, and so should be the play. Under this amendment, it is conceivable that no other play could ever mention religion again. If a character in a play is evil, and Catholic, we may well see a ban on the play for false portrayal of Catholicism. This is absurd. Is the character study of Quasimodo, in "The Hunchback of Notre Dame," an offense to the handicapped. No. It is a moving portrayal of human desire. What about Othello? Oedipus Rex? What about the historical movie, "Birth of a Nation"? What about Amos and Andy?

Mr. Chairman, the Bible is full of incidents of incest, adultery, fornication, and other objectionable acts. Are we to ban the Bible, simply because history isn't pretty? I think we know better.

Mr. Chairman, the country has clearly decided the flag issue. Why does the ultraconservative element insist on dragging up the issue again, through the back door?

Mr. Chairman, child pornography is already illegal. The fringe on the right keeps invoking child pornography in the same breath as arts funding in the desperate hope to tie the two together somehow.

Government has no business censoring the arts. This is an idea whose time was gone before it got here. The walls of the museums of the world are full of works that were controversial when they were created, and are now considered international treasures.

Mr. Chairman, not everyone wears the same clothes or drives the same car. Not everyone has the same appreciation of art. But art must be judged for arts sake. Nude photographs are judged for line, composition, lighting, and moment. Not because they give someone a prurient thrill.

Mr. Chairman, the ultraright doesn't have any more Communists to hunt, so now they're going after artists. This is another witch hunt, as diabolical as any other. I think it's time that the self-styled moralists among us grew up.

Mr. Chairman, this amendment is an assault on our ability to make intelligent personal choices. It is an attack on our right to decide what we view as acceptable culture. It is a vicious attempt for a few to rule the tastes and prerogatives of many. it is a clear effort to

create a compact, lifeless, sterile version of humanity. It ignores mankind's historical love and support for the arts. It is an effort born of pure cynicism. It must be defeated soundly.

Mr. WILLIAMS. Mr. Chairman, I yield 30 seconds to the gentleman from New York, [Mr. WEISS].

Mr. WEISS. Mr. Chairman, Mr. ROHABACKER suggests that in the name of accountability you can deny people's first amendment rights.

The Supreme Court has repeatedly held that the first amendment does not disappear just because the taxpayers pick up the tab. In a unanimous opinion in 1983, Chief Justice William Rehnquist wrote, "Neither by subsidy nor penalty may the Government aim at the suppresion of dangerous ideas." The list of those decisions is long and consistent.

I think it is one of the strong reasons to oppose the Rohrabacher amendment.

Mr. Chairman, I rise in opposition to the Rohrabacher amendment. This amendment, which seeks to restrict the content of art that the National Endowment for the Arts can fund, ignores several critical realities.

First, a majority of our constituents oppose such a proposal. A recent nationwide poll reveals that 61 percent of the American public rejects congressional efforts to restrict or censor NEA funded art.

Second, we do not need content restrictions. The NEA peer review grantmaking process holds a nearly perfect track record. In the NEA's 25-year history, less than 0.02 percent of 84,000 grants awarded have been controversial in any way. It frightens me that a few small photographs by the later Robert Mapplethorpe, which were determined by a Jury not to be obscene, has caused some to want to censor this extraordinarily successful agency.

Moreover, congressionally mandated restrictions based on the content of art violate the first amendment guarantee of freedom of expression. The President's bipartisan independent commission came to this conclusion. So did that commission's legal advisers and the Senate Committee on Labor and Human Resources, which reported its NEA reauthorization bill without such restrictions.

The Supreme Court has repeatedly held that the first amendment does not disappear just because the taxpayers pick up the tab. In Perry versus Sindermann (1972), the Court stated that "the government may not deny a benefit to a person on a basis that infringes his constitutionally protected interests—especially freedom of speech." And, in a unanimous opinion in the 1983 case Regan versus Taxation with Representation of Washington, Chief Justice William Rehnquist wrote that neither by subsidy nor penalty, may the Government "aim at the suppression of dangerous ideas." The list of decisions is long and consistent.

Further, the Rohrabacher amendment is unconstitutional because it would have the NEA make the obscenity determination, and not the courts. This would deprive applicants of their due process rights. Also, these content restrictions impose a national standard for obscenity, while the Supreme Court has said community standards must be applied.

Obviously, the Government must exercise some control over publicly funded art; some accountability is required. The quality of the art, however, and not political palatability, must be the determining factor. In a free society, a government may not purchase artistic orthodoxy by the power of the sword nor by the power of the purse.

As Representatives of the people, we must be responsive to the desires of the people and respect the integrity of the Constitution. I, therefore, urge my colleagues to oppose the Rohrabacher amendment and support H.R. 4825 as reported by committee.

Mr. WILLIAMS. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I strongly urge my colleagues to vote "no" on Rohrabacher. I am very hopeful that if and when this amendment is defeated, it will end the rightwing fling with intolerance, intimidation, and repression.

Mr. Chairman, if the Rohrabacher amendment is adopted, the flag series by Jasper John which defaces the American flag could not be funded by NEA; a theater production of the "Merchant of Venice," which denigrates a religion, could not be funded by NEA; nor could the Broadway show "Chorus Line" be funded and shown again because it has indecent references to homosexuality.

D.W. Griffiths' classic film "Birth of a Nation" denigrates a great American religion, could not be funded by the NEA. John Steinbeck's "Grapes of Wrath," which contains nudity, could not be funded by the NEA.

Mr. Chairman, this amendment is copper riveted, ironclad censorship of the first degree, and people who would ban, condemn, suppress, exile, edit, silence, and burn are not new to this Chamber or to this planet, tragically.

Mr. GREEN of New York. Mr. Chairman, I rise today to express my profound opposition to the amendment offered by the gentleman from California [Mr. ROHRABACHER] which would impose significant restrictions on National Endowment for the Arts funding for the arts.

Under this pernicious amendment, works designated as embodying child pornography; obscenity and indecency; religious, racial, sexual, handicap, or national origin denigration; U.S. flag desecration; or as containing any part of an actual human embryo or fetus would be ineligible for NEA funding.

Let there be no mistake. This amendment would require NEA to impose enormous prior restraints on those whom it would fund. For example, religious beliefs obviously deal with the most fundamental issues of human life and the nature of the universe. Should an NEA-funded artist be denied the right to address such issues because his views may upset some sect?

I long have been a supporter of the arts. We cherish the basic freedoms of our country. Let the strength of those freedoms stand against censorship and for artistic expression.

I urge you to join with me in voting against this destructive amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 9, as follows:

[Roll No. 447]

AYES—175

Annunzio	Hayes (LA)	Regula
Applegate	Hefley	Rinaldo
Archer	Hefner	Ritter
Armey	Herger	Robinson
Baker	Hiler	Rogers
Ballenger	Holloway	Rohrabacher
Barnard	Hopkins	Ros-Lehtinen
Bartlett	Hubbard	Roth
Barton	Huckaby	Roukema
Bateman	Hunter	Rowland (GA)
Bennett	Hutto	Sangmeister
Bentley	Hyde	Sarpalius
Bevill	Inhofe	Schaefer
Bilirakis	Ireland	Sensenbrenner
Bliley	James	Shaw
Browder	Jenkins	Shumway
Brown (CO)	Jones (NC)	Shuster
Bunning	Kasich	Sisisky
Burton	Kolter	Skelton
Byron	Kyl	Slaughter (VA)
Callahan	Lagomarsino	Smith (NJ)
Chapman	Laughlin	Smith (TX)
Clement	Leath (TX)	Smith, Denny (OR)
Coble	Lewis (FL)	Smith, Robert (NH)
Combest	Lightfoot	Smith, Robert (OR)
Costello	Lipinski	Solomon
Coughlin	Livingston	Spence
Courter	Lloyd	Spratt
Craig	Long	Stangeland
Crane	Lukens, Donald	Stearns
Dannemeyer	Madigan	Stenholm
Darden	Marlenee	Stump
de la Garza	Martin (IL)	Sundquist
DeLay	McCandless	Tallon
DeWine	McCollum	Tanner
Dickinson	McCrery	Tauzin
Dornan (CA)	McEwen	Taylor
Douglas	Miller (OH)	Thomas (CA)
Duncan	Montgomery	Thomas (GA)
Dyson	Moorhead	Thomas (WY)
Edwards (OK)	Murphy	Upton
Emerson	Myers	Valentine
English	Natcher	Vander Jagt
Erdreich	Nielson	Visclosky
Fawell	Oxley	Volkmer
Fields	Packard	Vucanovich
Flippo	Pallone	Walker
Gallegly	Parker	Watkins
Gekas	Parris	Weber
Gibbons	Pashayan	Weldon
Gillmor	Patterson	Whitten
Gingrich	Paxon	Wolf
Gradison	Penny	Yatron
Grant	Petri	Young (AK)
Hall (TX)	Pickett	Young (FL)
Hammerschmidt	Poshard	
Hancock	Quillen	
Hansen	Rahall	
Harris	Ravenel	
Hastert	Ray	

NOES—249

Ackerman	Anderson	Anthony
Alexander	Andrews	Aspin

Atkins	Grandy	Neal (NC)
AuCoin	Gray	Nelson
Bates	Green	Nowak
Beilenson	Guarini	Oakar
Bereuter	Gunderson	Oberstar
Berman	Hall (OH)	Obey
Bilbray	Hamilton	Olin
Boehlert	Hatcher	Ortiz
Bonior	Hawkins	Owens (NY)
Borski	Hayes (IL)	Owens (UT)
Bosco	Henry	Panetta
Boucher	Hertel	Payne (NJ)
Boxer	Hoagland	Payne (VA)
Brennan	Hochbrueckner	Pease
Brooks	Horton	Pelosi
Broomfield	Houghton	Perkins
Brown (CA)	Hoyer	Pickle
Bruce	Hughes	Porter
Bryant	Jacobs	Price
Buechner	Johnson (CT)	Pursell
Bustamante	Johnson (SD)	Rangel
Campbell (CA)	Johnston	Rhodes
Campbell (CO)	Jones (GA)	Richardson
Cardin	Jontz	Ridge
Carper	Kanjorski	Roberts
Carr	Kaptur	Rose
Chandler	Kastenmeier	Rostenkowski
Clarke	Kennedy	Roybal
Clay	Kennelly	Russo
Clinger	Kildee	Sabo
Coleman (MO)	Kleczka	Saiki
Coleman (TX)	Kolbe	Savage
Collins	Kostmayer	Sawyer
Condit	LaFalce	Saxton
Conte	Lancaster	Scheuer
Conyers	Lantos	Schiff
Cooper	Leach (IA)	Schneider
Cox	Lehman (CA)	Schroeder
Coyne	Lehman (FL)	Schulze
Crockett	Lent	Schumer
Davis	Levin (MI)	Serrano
DeFazio	Levine (CA)	Sharp
Dellums	Lewis (CA)	Shays
Derrick	Lewis (GA)	Sikorski
Dicks	Lowery (CA)	Skaggs
Dingell	Lowey (NY)	Skeen
Dixon	Luken, Thomas	Slattery
Donnelly	Machtley	Slaughter (NY)
Dorgan (ND)	Manton	Smith (FL)
Downey	Markey	Smith (IA)
Dreier	Martin (NY)	Smith (VT)
Durbin	Martinez	Snowe
Dwyer	Matsui	Solarz
Dymally	Mavroules	Staggers
Early	Mazzoli	Stallings
Eckart	McCloskey	Stark
Edwards (CA)	McCurdy	Stokes
Engel	McDade	Studds
Espy	McDermott	Swift
Evans	McGrath	Synar
Fascell	McHugh	Tauke
Fazio	McMillan (NC)	Torres
Feighan	McMillen (MD)	Torricelli
Fish	McNulty	Towns
Flake	Meyers	Traficant
Foglietta	Mfume	Traxler
Ford (MI)	Michel	Udall
Frank	Miller (CA)	Unsoeld
Frenzel	Miller (WA)	Vento
Frost	Mineta	Walgren
Gallo	Mink	Walsh
Gaydos	Moakley	Washington
Gejdenson	Molinari	Waxman
Gephardt	Mollohan	Weiss
Geren	Moody	Wheat
Gilman	Morella	Whittaker
Glickman	Morrison (WA)	Williams
Gonzalez	Mrazek	Wise
Goodling	Murtha	Wolpe
Gordon	Nagle	Wyden
Goss	Neal (MA)	Yates

NOT VOTING—9

Boggs	Roe	Smith (NE)
Ford (TN)	Rowland (CT)	Wilson
Morrison (CT)	Schuette	Wylie

□ 1815

Mr. SISISKY, Mrs. BENTLEY, and Mr. PICKETT changed their vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Chairman, I inadvertently voted "no" on the Rohrabacher amendment to H.R. 4825, authorizing the NEA. I intended to vote "aye" and support the goal of the amendment to ensure that Federal funds are not used to finance obscene art, or art that is otherwise offensive to the general public.

AMENDMENTS TO LEGISLATIVE BRANCH APPROPRIATIONS BILL

(By unanimous consent, Mr. MOAKLEY was allowed to speak out of order.)

Mr. MOAKLEY. Mr. Chairman, I rise to ask my colleagues' cooperation. Next Tuesday, October 16, the Rules Committee will take up the legislative branch appropriations bill H.R. 5399.

In order to assure timely consideration of the measure, the Rules Committee may structure the debate on certain issues.

I am requesting that any Member who is contemplating an amendment to the bill submit 55 copies of the amendment and an explanatory statement to the Rules Committee no later than 5 p.m. Monday October 15.

Mr. Chairman, I have sent a "Dear Colleague" letter to the same effect to every Member of the House. I appreciate my colleagues' help.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, there was so much confusion over here, we could not hear what the gentleman from Massachusetts [Mr. MOAKLEY] was saying. I think he was saying that Members had to have their amendments filed to the legislative appropriations bill.

Mr. MOAKLEY. By Monday, October 15, 1990.

Mr. SOLOMON. It will be taken up by the House when?

Mr. MOAKLEY. That week, probably Tuesday or Wednesday.

Mr. SOLOMON. But Monday at 5 p.m.?

Mr. MOAKLEY. The gentleman is correct.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 101-801.

□ 1820

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute offered by Mr. WILLIAMS: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts, Humanities, and Museums Amendments of 1990".

TITLE I—AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT OF 1965

SEC. 101. DECLARATION OF FINDINGS AND PURPOSES.

Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended to read as follows:

"DECLARATION OF FINDINGS AND PURPOSES

"SEC. 2. The Congress finds and declares the following:

"(1) The arts and the humanities belong to all the people of the United States.

"(2) The encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, are also appropriate matters of concern to the Federal Government.

"(3) An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

"(4) Democracy demands wisdom and vision in its citizens. It must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds and wherever located masters of their technology and not its unthinking servants.

"(5) It is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and their organizations. In doing so, the Government must be sensitive to the nature of public sponsorship. Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money. Such funding should contribute to public support and confidence in the use of taxpayer funds. Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines.

"(6) The arts and the humanities reflect the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups.

"(7) The practice of art and the study of the humanities require constant dedication and devotion. While no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry but also the material conditions facilitating the release of this creative talent.

"(8) The world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit.

"(9) Americans should receive in school, background and preparation in the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives, the diversity of excellence that com-

prises our cultural heritage, and artistic and scholarly expression.

"(10) It is vital to a democracy to honor and preserve its multicultural artistic heritage as well as support new ideas, and therefore it is essential to provide financial assistance to its artists and the organizations that support their work.

"(11) To fulfill its educational mission, achieve an orderly continuation of free society, and provide models of excellence to the American people, the Federal Government must transmit the achievement and values of civilization from the past via the present to the future, and make widely available the greatest achievements of art.

"(12) In order to implement these findings and purposes, it is desirable to establish a National Foundation on the Arts and the Humanities."

SEC. 102. DEFINITIONS.

(a) LOCAL ARTS AGENCY.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(1) in subsection (B) by inserting "all those traditional arts practiced by the diverse peoples of this country," after "forms,", and

(2) by adding at the end the following:

"(h) The term 'local arts agency' means a community organization, or an agency of local government, that primarily provides financial support, services, or other programs for a variety of artists and arts organizations for the benefit of the community as a whole.

"(i) The term 'developing arts organization' means a local arts organization of high artistic promise which—

"(1) serves as an important source of local arts programming in a community; and

"(2) has the potential to develop artistically and institutionally to broaden public access to the arts in rural and innercity areas and other areas that are underserved artistically.".

(b) TECHNICAL AMENDMENTS.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(1) in subsection (b) by inserting "film, video," after "radio,",

(2) in subsection (c) by inserting "film, video," after "radio,", and

(3) in subsection (d)—

(A) in the first sentence by inserting "the widest" after "enhance", and

(B) in paragraph (2) by striking "sections 5(1)" and inserting "sections 5(p), 7(c)(10),".

(c) DETERMINED TO BE OBSCENE; FINAL JUDGMENT.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952), as amended by subsection (a), is amended by adding at the end the following:

"(j) The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

"(k) The term 'final judgment' means a judgment that is either—

"(1) not reviewed by any other court that has authority to review such judgment; or

"(2) is not reviewable by any other court.

"(l) The term 'obscene' means with respect to a project, production, workshop, or program that—

"(1) the average person, applying contemporary community standards, would find that such project, production, workshop, or program, when taken as a whole, appeals to the prurient interest;

"(2) such project, production, workshop, or program depicts or describes sexual conduct in a patently offensive way; and

"(3) such project, production, workshop, or program, when taken as whole, lacks serious literary, artistic, political, or scientific value.".

SEC. 103. NATIONAL ENDOWMENT FOR THE ARTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence;",

(2) in paragraph (2) by inserting "or tradition" after "authenticity",

(3) in paragraph (5) by inserting "education," after "knowledge,",

(4) in paragraph (7) by striking "and",

(5) by redesignating paragraph (8) as paragraph (10),

(6) by inserting after paragraph (7) the following:

"(8) projects that enhance managerial and organizational skills and capabilities;

"(9) projects, productions, and workshops of the kinds described in paragraph (1) through (8) through film, radio, video, and similar media, for the purpose of broadening public access to the arts; and", and

(7) in the matter following paragraph (10), as so redesignated, by striking "clause (8)" and inserting "paragraph (10)".

(b) ARTISTIC EXCELLENCE AND OBSCENE MATTER.—Section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 (209 U.S.C. 954(d)) is amended to read as follows:

"(d) No payment shall be made under this section except upon application thereof which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the Chairperson. In establishing such regulations and procedures, the Chairperson shall ensure that—

"(1) artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and

"(2) applications are consistent with the purposes of this section. Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded. Projects, productions, workshops, and programs that are determined to be obscene are prohibited from receiving financial assistance under this Act from the National Endowment for the Arts.

The disapproval or approval of an application by the Chairperson shall not be construed to mean, and shall not be considered as evidence that, the project, production, workshop, or program for which the applicant requested financial assistance is or is not obscene.".

(c) TECHNICAL AMENDMENT.—Section 5(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(f)) is amended by striking "1954" and inserting "1986".

(d) STATE APPLICATIONS FOR ASSISTANCE.—Section 5(g)(2)(E) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(E)) is amended by striking clauses (i) and (ii), and inserting the following:

"(i) a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;

"(ii) for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State arts agency are available to all people and communities in the State; and".

(e) PURPOSES OF PROGRAM PROVIDING ASSISTANCE TO AGENCIES AND ORGANIZATIONS.—Section 5(l)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)(1)) is amended—

(1) in subparagraph (E) by striking "and" at the end,

(2) in subparagraph (F) by striking the period at the end and inserting "; and", and

(3) by inserting after subparagraph (F) the following:

"(G) stimulate artistic activity and awareness which are in keeping with the varied cultural traditions of this nation.".

(f) SYSTEM OF NATIONAL INFORMATION AND DATA COLLECTION.—Section 5(m) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(m)) is amended—

(1) in the first sentence—

(A) by inserting "ongoing" after "shall, in",

(B) by striking "develop" and inserting "continue to develop and implement", and

(C) by inserting "and public dissemination" after "collection",

(2) by striking the fourth sentence, and

(3) in the last sentence by striking "1988, and biennially" and inserting "1992, and quadrennially".

(g) CONTENTS OF APPLICATIONS; INSTALLMENT PAYMENTS.—Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 854) is amended—

(1) by redesignating subsections (i) through (m) as subsections (1) through (p), respectively, and

(2) by inserting after subsection (h) the following:

"(i) It shall be a condition of the receipt of financial assistance provided under this section by the Chairperson or the State agency that the applicant for such assistance include in its application—

"(1) a detailed description of the proposed project, production, workshop, or program for which the applicant requests such assistance;

"(2) a timetable for the completion of such proposed project, production, workshop, or program;

"(3) an assurance that the applicant will submit—

"(A) interim reports describing the applicant's—

"(i) progress in carrying out such project, production, workshop, or program; and

"(ii) compliance with this Act and the conditions of receipt of such assistance;

"(B) If such proposed project, production, workshop, or program will be carried out during a period exceeding 1 year, an annual report describing the applicant's—

"(i) progress in carrying out such project, production, workshop, or program; and

"(ii) compliance with this Act and the conditions of receipt of such assistance; and

"(C) not later than 90 days after—

"(i) the end of the period for which the applicant receives such assistance; or

"(ii) the completion of such project, production, workshop, or program; which ever occurs earlier, a final report to the Chairperson or the State agency (as the case may be) describing the applicant's compliance with this Act and the conditions of receipt of such assistance; and

"(4) an assurance that the project, production, workshop, or program for which assistance is requested will meet the standards of artistic excellence and artistic merit required by this Act.

"(j) The Chairperson shall issue regulations to provide for the distribution of financial assistance to recipients in installments except in those cases where the Chairperson determines that installments are not practicable. In implementing any such installments, the Chairperson shall ensure that—

"(1) not more than two-thirds of such assistance may be provided at the time such application is approved; and

"(2) the remainder of such assistance may not be provided until the Chairperson finds that the recipient of such assistance is complying substantially with this section and with the conditions under which such assistance is provided to such recipient.

"(k) The Inspector General of the Endowment shall conduct appropriate reviews to ensure that recipients of financial assistance under this section comply with the regulations under this Act that apply with respect to such assistance, including regulations relating to accounting and financial matters.".

(h) LIMITATION ON RECEIPT OF FINANCIAL ASSISTANCE.—Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954), as amended by subsection (g), is amended—

"(1) by redesignating subsections (l) through (p) as subsections (m) through (q), respectively, and

"(2) by inserting after subsection (k) the following:

"(l)(1) If, after reasonable notice and opportunity for a hearing on the record, the Chairperson determines that a recipient of financial assistance provided under this section by the Chairperson or any non-Federal entity, used such financial assistance for a program, production, workshop, or program that is determined to be obscene, then the Chairperson shall require that—

"(A) during a period of 3 years, beginning on the date the Chairperson makes such determination; and

"(B) until such recipient repays such assistance (in such amount, and under such terms and conditions, as the Chairperson determines to be appropriate) to the Endowment;

no subsequent financial assistance be provided under this section to such recipient.

"(2) Financial assistance repaid under this section to the Endowment shall be deposited in the Treasury of the United States and credited as miscellaneous receipts.

"(3)(A) This subsection shall not apply with respect to financial assistance provided before the effective date of this subsection.

"(B) This subsection shall not apply with respect to a project, production, workshop, or program after the expiration of the 7-year period beginning on the latest date on which financial assistance is provided under this section for such project, production, workshop, or program.".

(i) TECHNICAL AMENDMENTS.—(1) Section 5(m) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(i)), as so redesignated by subsections (g) and (h), is amended by striking "subsection (j)" and inserting "subsection (n)".

(2) Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A) by striking "section 5(l)(1)" each place it appears and inserting "section 5(p)(1)", and

(ii) in subparagraph (C) by striking "section 5(l)(1)" and inserting "section 5(p)(1)", and

(B) in paragraph (4) by striking "section 5(l)(1)" and inserting "section 5(p)(1)".

SEC. 104. INNOVATIVE PROGRAMS TO EXPAND PUBLIC ACCESS TO THE ARTS IN RURAL AND INNERCITY AREAS.

Section 5(p) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)), as so redesignated and amended by section 103, is amended—

(1) in paragraph (3) by striking "section 5(c)" and inserting "subsection (c)",

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(3) by inserting after paragraph (l) the following:

"(2)(A) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized in accordance with this subsection, to establish and carry out a program of contracts with, or grants to, States for the purposes of—

"(i) raising the artistic capabilities of developing arts organizations by providing for—

"(I) artistic and programatic development to enhance artistic capabilities, including staff development; and

"(II) technical assistance to improve managerial and organizational skills, financial systems management, and long-range fiscal planning; and

"(ii) stimulating artistic activity and awareness and broadening public access to the arts in rural and innercity areas and other areas that are underserved artistically.

"(B) For purposes of providing financial assistance under this paragraph, the Chairperson shall give priority to the activities described in subparagraph (A)(i).

"(C) The Chairperson may not provide financial assistance under this paragraph to a particular applicant in more than 3 fiscal years for the purpose specified in subparagraph (A)(i).".

SEC. 105. STRENGTHENING ARTS THROUGH ARTS EDUCATION.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951-960) is amended by inserting after section 5 of the following:

"ACCESS TO THE ARTS THROUGH SUPPORT OF EDUCATION

"SEC. 5A. (a) The purposes of this section are—

"(1) to increase accessibility to the arts through providing education to all Americans, including diverse cultures, urban and rural populations by encouraging and developing quality education in the arts at all levels, in conjunction with programs of nonformal education for all age groups, with formal systems of elementary, secondary, and postsecondary education;

"(2) to develop and stimulate research to teach quality education in the arts; and

"(3) to encourage and facilitate the work of artists, arts institutions, and Federal, State, regional, and local agencies in the area of education in the arts.

"(b) The Chairperson of the National Endowment for the Arts, is authorized to establish and carry out a program of contracts with, or grants to, any State or other public agency, individual, artist, any nonprofit society, performing and nonperforming arts and educational institution or organizations, association, or museum in the United States, in order to foster and encourage exceptional talent, public knowledge, understanding, and appreciation of the arts, and to support the education, training, and development of this Nation's artists, through such activities as projects that will—

"(1) promote and improve the availability of arts instruction for American youth and life-long learning in the arts;

"(2) enhance the quality of arts instruction in programs of teacher education;

"(3) develop arts faculty resources and talents;

"(4) support and encourage the development of improved curriculum materials in the arts;

"(5) improve evaluation and assessment of education in the arts programs and instruction;

"(6) foster cooperative programs with the Department of Education and encourage partnerships between arts and education agencies at State and local levels, arts organizations, business, colleges and universities;

"(7) support apprenticeships, internships, and other career oriented work-study experiences for artists and arts teachers, and encourage residencies of artists at all educational levels;

"(8) support the use of technology and improved facilities and resources in education in the arts programs at all levels; and

"(9) foster the development of demonstration projects, demonstration productions, demonstration workshops, and demonstration programs in arts education and collect, and make available to the public, information on their implementation and effectiveness.

"(c) In order to provide advice and counsel concerning arts education, the Chairperson shall appoint an advisory council on arts education.".

SEC. 106. NATIONAL COUNCIL FOR THE ARTS.

(a) MEMBERSHIP OF COUNCIL.—Section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b)) is amended by adding at the end the following: "Members of the Council shall be appointed so as to represent equitably all geographical areas in the United States.".

(b) MEETINGS AND RECORDS.—Section 6(d) of the National Foundation of the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)) is amended—

(1) by inserting "(1)" after "(d)", and

(2) by adding at the end the following:

"All policy meetings of the Council shall be open to the public.

"(2) The Council shall—

"(A) create written records summarizing—

"(i) all meetings and discussions of the Council; and

"(ii) the recommendations made by the Council to the Chairperson; and

"(B) make such records available to the public in a manner that protects the privacy of individual applicants, panel members, and Council members.".

(c) AUTHORITY OF COUNCIL.—Section 6(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(f)) is amended—

(1) in the first sentence—
(A) by striking "(1)" and "(2)",
(B) by striking "thereon", and
(C) by inserting before the period the following: "with respect to the approval of each application and the amount of financial assistance (if any) to provide to each applicant",
(2) in the second sentence by striking ", unless" and all that follows through "time",
(3) in the last sentence—
(A) by striking "a delegation" and inserting "an expressed and direct delegation", and
(B) by striking "; *Provided*, That" and inserting ", and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that",
(4) by inserting after the second sentence the following:

"The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation.", and

(5) by inserting after the first sentence the following:

"The Council shall make recommendations to the Chairperson concerning—

"(1) whether to approve particular applications for financial assistance under subsections (c) and (p) of section 5 that are determined by panels under section 10(c) to have artistic excellence and artistic merit; and

"(2) the amount of financial assistance the Chairperson should provide with respect to each such application the Council recommends for approval.".

SEC. 107. NATIONAL ENDOWMENT FOR THE HUMANITIES.

(a) TECHNICAL AMENDMENT.—Section 7(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(a)) is amended by striking "a" and inserting "the".

(b) AUTHORITY OF CHAIRPERSON.—Section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended—

(1) in the matter preceding paragraph (1) by inserting "enter into arrangements, including contracts, grants, loans, and other forms of assistance, to" after "is authorized to",
(2) in paragraph (2) by striking "(including contracts, grants, loans, and other forms of assistance)",
(3) in paragraph (3)—
(A) by striking "award" and all that follows through "Fellowships", and inserting "initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships", and
(B) by striking "time;" and inserting "time);",
(4) in paragraph (7) by striking "through grants or other arrangements",
(5) in paragraph (8) by striking "and",
(6) in paragraph (9) by striking the period and inserting "; and", and
(7) by inserting after paragraph (9) the following:

"(10) foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities.".

(c) COORDINATION OF PROGRAMS.—Section 7(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(d)) is amended by striking "correlate" and inserting "coordinate".

(d) ADMINISTRATION BY STATE AGENCIES.—

(1) DESIGNATION.—Section 7(f)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)(A)) is amended by striking "of the enactment of the Arts, Humanities, and Museum Amendments of 1985," and inserting "the State agency is established".

(2) APPLICATION FOR FINANCIAL ASSISTANCE.—Section 7(f)(2)(A)(viii) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)(A)(viii)) is amended—

(A) in subclause (I) by striking "previous two years" and inserting "most recent preceding year for which information is available", and
(B) in subclause (II) by inserting "for the most recent preceding year for which information is available," after "(II)".

(3) CONTENTS OF STATE PLAN.—Section 7(f)(3)(J) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(3)(J) is amended—

(A) in clause (i) by striking "previous two years" and inserting "most recent preceding year for which information is available", and
(B) in clause (ii) by inserting "for the most recent preceding year for which information is available," after "(ii)".

(e) CONDITION OF RECEIPT OF GRANTS.—The last sentence of section 7(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(g)) is amended by striking "not later" and all that follows through "1985".

(f) TECHNICAL AMENDMENT.—The last sentence of section 7(h)(2)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(h)(2)(B)) is amended by striking "Endowment on" and inserting "Endowment for".

(g) SYSTEM OF NATIONAL INFORMATION AND DATA COLLECTION.—Section 7(k) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(k)) is amended—

(1) in the first sentence—
(A) by inserting "ongoing" after "shall, in",
(B) by striking "develop" and inserting "continue to develop and implement", and
(C) by inserting "and public dissemination" after "collection",
(2) by striking the third sentence, and
(3) in the last sentence by striking "1988, and biennially" and inserting "1992, and quadrennially".

(h) RECEIPT OF FINANCIAL ASSISTANCE AND AWARDS.—Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by striking subsection (l) and inserting the following:

"(l) Any group shall be eligible for financial assistance under this section only if—

"(1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals; and

"(2) donations to such group are allowable as a charitable contribution under the standards of section 170(c) of the Internal Revenue Code of 1986.".

"(m) The Chairperson, with the advice of the National Council on the Humanities, is authorized to make the following annual awards:

"(1) The Jefferson Lecture in the Humanities Award to one individual for distinguished intellectual achievement in the humanities. The annual award shall not exceed $10,000.

"(2) The Charles Frankel Prize to honor individuals who have made outstanding contributions to the public understanding of the humanities. Not more than 5 individuals may receive such prize each year. Each prize shall not exceed $5,000.

SEC. 108. FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

(a) DIALOGUE AMONG FEDERAL AGENCIES.—Section 9(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)) is amended—

(1) in paragraph (5) by striking "and" at the end,
(2) in paragraph (6) by striking the period at the end and inserting "; and", and
(3) by adding at the end the following:

"(7) encourage an ongoing dialogue in support of the arts and the humanities among Federal agencies.".

(b) TECHNICAL AMENDMENT.—Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended by striking subsection (d).

SEC. 109. REVIEW PANELS; TECHNICAL AMENDMENTS.

Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended—

(1) in subsection (a)—
(A) in paragraph (4) by striking "from time to time, as appropriate,", and
(B) in paragraph (6) by striking "the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)" and inserting "section 3324 of title 31, United States Code",
(2) in subsection (d)(3) by striking "the last sentence of subsection (a)" and inserting "subsection (c)(3)(A)",
(3) by striking subsections (e) and (f),
(4) by redesignating subsection (b), (c), and (d) as subsections (d), (e), and (f), respectively,
(5) in the second sentence—
(A) by striking "In any case" and inserting the following:
"(b)(1) In any case",
(B) by striking "(A)", and
(C) by striking "(B)",
(6) in the third sentence by striking "In any case" and inserting the following:
"(2) In any case",
(7) in the fourth sentence by striking "For the purposes" and inserting the following:
"(3) For the purposes",
(8) in the fifth sentence by striking "For the purpose" and inserting the following:
"(4) For the purpose", and
(9) by striking the sixth sentence and all that follows through "pending.", and inserting the following:

"(c) The Chairperson of the National Endowment for the Arts shall utilize advisory panels to review applications, and to make recommendations to the National Council on the Arts in all cases except cases in which the Chairperson exercises authority delegated under section 6(f). When reviewing applications, such panels shall recommend applications for projects, productions, and workshop solely on the basis of artistic excellence and artistic merit. The Chairperson shall issue regulations and establish procedures—

"(1) to ensure that all panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation as well as individuals reflecting diverse artistic and cultural points of view;

"(2) to ensure that all panels include representation of lay individuals who are knowledgeable about the arts but who are not engaged in the arts as a profession and are not members of either artists' organizations or arts organizations;

"(3) to ensure that, when feasible, the procedures used by panels to carry out their responsibilities are standardized;

"(4) to require panels—

"(A) to create written records summarizing—

"(i) all meetings and discussions of such panel; and

"(ii) the recommendations made by such panel to the Council; and

"(B) to make such records available to the public in a manner that protects the privacy of individual applicants and panel members;

"(5) to require, when necessary and feasible, the use of site visitations to view the work of the applicant and deliver a written report on the work being reviewed, in order to assist panelists in making their recommendations; and

"(6) to require that the membership of each panel change substantially from year to year and to provide that each individual is ineligible to serve on a panel for more than 3 consecutive years.

In making appointments to panels, the Chairperson shall ensure that an individual who has a pending application for financial assistance under this Act, or who is an employee or agent of an organization with a pending application, does not serve as a member of any panel before which such application is pending. The prohibition described in the preceding sentence shall commence with respect to such individual beginning on the date such application is submitted and shall continue for so long as such application is pending.".

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR THE NATIONAL ENDOWMENT FOR THE ARTS.—Section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended—

(1) by inserting "(i) after "SEC. 11(a)(1)(A)",

(2) in the first sentence by striking "$121,678,000" and all that follows through "1990", and inserting: "$125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993",

(3) by striking the last sentence, and

(4) by adding at the end the following:

"(ii) For fiscal years—

"(I) 1991 and 1992 not less than 25 percent of the amount appropriated for the respective fiscal year; and

"(II) 1993 not less than 27.5 percent of the amount appropriated for such fiscal year;

shall be for carrying out section 5(g).

"(iii) for fiscal years—

"(I) 1991 and 1992 not less than 5 percent of the amount appropriated for the respective fiscal year; and

"(II) 1993 not less than 7.5 percent of the amount appropriated for such fiscal year;

shall be for carrying out programs under section 5(p)(2) (relating to programs to expand public access to the arts in rural and innercity areas). Not less than 50 percent of the funds required by this clause to be used for carrying out such programs shall be used for carrying out such programs in rural areas.".

(b) GENERAL AUTHORIZATIONS FOR THE NATIONAL ENDOWMENT FOR THE HUMANITIES.—The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended by striking "$95,207,000" and all that follows through "1990;" and inserting "$119,900,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(c) TECHNICAL AMENDMENT.—Section 11(a)(1) National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)) is amended by striking subparagraph (C).

(d) INCENTIVE AUTHORIZATIONS FOR THE ENDOWMENTS.—(1) Section 11(a)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)(A)) is amended—

(A) by striking "1990" the first place it appears and inserting "1993",

(B) in clause (ii) by striking "paragraph (8)" and inserting "paragraph (10)", and

(C) by striking "$8,820,000" and all that follows through "1990", and inserting "$13,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(2) Section 11(a)(2)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)(B)) is amended—

(A) by striking "1990" the first place it appears and inserting "1993",

(B) by striking "(9)" and inserting "(10)", and

(C) by striking "$10,780,000" and all that follows through "1990", and inserting "$12,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(3) Section 11(a)(3)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(A)) is amended—

(A) by striking "1990" the first place it appears and inserting "1993", and

(B) by striking "$20,580,000" and all that follows through "1990", and inserting "$15,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(4) Section 11(a)(3)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(B)) is amended—

(A) by striking "1990" the first place it appears and inserting "1993", and

(B) by striking "$19,600,000" and all that follows through "1990", and inserting "$15,150,000 for fiscal year 1991 and such sums as may be necessary for fiscal year 1992 and 1993".

(e) AUTHORITY TO TRANSFER FUNDS.—Section 11(a)(3) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)) is amended—

(1) by striking subparagraph (C), and

(2) by redesignating subparagraph (D) as subparagraph (C).

(f) ADMINISTRATION; OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.—(1) Section 11(c)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)(1)) is amended—

(A) by striking "$15,982,000" and all that follows through "1990", and inserting "$21,200,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993", and

(B) by striking "$35,000" each place it appears and inserting "$50,000".

(2) Section 11(c)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)(2)) is amended—

(A) by striking "$14,291,000" and all that follows through "1990", and inserting "$17,950,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993", and

(B) by striking "$35,000" each place it appears and inserting "$50,000".

(g) ARTS EDUCATION.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960) is amended by adding at the end the following:

"(f)(1) Subject to subparagraph (2), in any fiscal year in which the aggregate amount appropriated to the National Endowment for the Arts exceeds $175,000,000, 50 percent of such excess shall be available to carry out section 5A; and

"(2) In each fiscal year, the amount made available to carry out section 5A shall not exceed $40,000,000, in the aggregate.

"(3) Funds made available to carry out section 5A shall remain available until expended.".

SEC. 111. GAO STUDY REGARDING FEDERAL, STATE, AND LOCAL FUNDING OF THE ARTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study—

(1) to evaluate the roles and responsibilities of the National Endowment for the Arts, the States (including State agencies), and local arts agencies, in providing financial assistance under section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954),

(2) the relative effectiveness of the Endowment, the States (including State agencies), and local arts agencies in maximizing the amount of financial assistance they make available under such section, and

(3) the existing capacity of the States to receive increased allocations under section 5 of such Act and the ability of the States to manage such increased allocations effectively.

(b) REPORT REQUIRED.—Not later than October 1, 1992, the Comptroller General shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report summarizing the results of the study conducted under subsection (a).

SEC. 112. GAO STUDY, FINDINGS, AND RECOMMENDATIONS REGARDING STAFFING AND CONTRACTORS OF THE NEA.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of—

(1) the program staffing policies and practices of,

(2) the use of consultants by, and

(3) the use of independent contractors as administrative staff of,

the National Endowment for the Arts.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(1) the results of the study conducted under subsection (a), and

(2) findings and recommendations with respect to the matters specified in paragraphs (1), (2), and (3) of such subsection.

TITLE II—AMENDMENTS TO THE MUSEUM SERVICES ACT

SEC. 201. NATIONAL MUSEUM SERVICES BOARD.

(a) MEMBERSHIP.—Section 204(a)(1)(A) of the Museum Services Act (20 U.S.C. 963(a)(1)(A)) is amended by inserting "conservation," after "curatorial,".

(b) MEETINGS.—Section 204(d)(1) of the Museum Services Act (20 U.S.C. 963(d)(1)) is

amended by striking "four" and inserting "three".

SEC. 202. DIRECTOR.

(a) COMPENSATION.—(1) Section 205(a)(1) of the Museum Services Act (20 U.S.C. 964(a)(1)) is amended by striking "be compensated at the rate provided for level V of the Executive Schedule (section 5316 of title 5), and shall".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Director of the Institute of Museum Services.".

(b) TECHNICAL AMENDMENT.—(1) Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964) is amended by striking "Chairperson's" and inserting "Director's".

SEC. 203. ACTIVITIES.

(a) CONSERVATION.—Section 206(a)(5) of the Museum Services Act (20 U.S.C. 965(a)(5)) is amended by striking "artifacts and art objects" and inserting "their collections".

(b) AUTHORITY OF DIRECTOR.—Section 206(b) of the Museum Services Act (20 U.S.C. 965(b)) is amended—

(1) in paragraph (1)—

(A) by striking "with professional museum organizations",

(B) by striking "to such organizations", and

(C) by striking "enable such organizations to",

(2) in paragraph (2)—

(A) by striking subparagraph (A), and

(B) in subparagraph (B)—

(i) by striking "(B)",

(ii) by striking "the", and

(iii) by striking "of any professional museum organization",

(3) in paragaph (3) by striking "to professional museum organizations", and,

(4) by striking paragraph (4).

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended by striking "$21,600,000" and all that follows through "1990", and inserting "$24,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993".

(b) INCENTIVE AUTHORIZATION OF APPROPRIATIONS.—Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended—

(1) by striking "during the period" and all that follows through "1990",

(2) by inserting "for each fiscal year ending before October 1, 1993," after "appropriate", and

(3) by striking "such period" and inserting "such fiscal year".

SEC. 205. ASSESSMENT OF CERTAIN MUSEUMS.

The Museum Services Act (20 U.S.C. 961-968) is amended by adding at the end the following:

"ASSESSMENT OF CERTAIN MUSEUMS

"SEC. 211. The Director, subject to the policy direction of the Board and in consultation with appropriate representatives of the museum and cultural communications shall undertake an assessment of the needs of small, emerging, minority, and rural museums. The assessment, to be completed and presented to Congress within two years of enactment, shall include but not necessarily be limited to, the following subjects:

"(1) The need for resources to identify, collect, document, research, preserve and interpect tangible and nontangible collections and to communicate with and involve their own communities and the general public.

"(2) The personnel staffing and training needs for small, emerging, minority, and rural museums, including needs for professional positions and for the community persons employed or utilized by museums who are expert in the history, culture, customs, and other human resources of the communities.

"(3) The building and construction needs, including impediments to assessing Federal and non-Federal funds for this purpose.

"(4) The maintenance, operation and repair needs, including impediments to accessing Federal and non-Federal funds for these purposes.

"(5) The status of the museums' current collections and the museums' interests in accessing, through gift, purchase, repatriation or borrowing, objects now held privately or in public collections.

"(b) As used in this subsection—

"(1) the term "small, emerging, minority, and rural museums" includes tribal museums and museums of other ethnic and cultural groups; and

"(2) the term "Indian tribe" has the meaning given in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b)).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 209 of the Museum Services Act (20 U.S.C. 967) is amended by adding at the end of the following:

"(e)(1) Subject to paragraph (2), there are authorized to be appropriated $1,000,000 for each of two fiscal years to carry out section 211.

"(2) Paragraph (1) shall not be effective for any fiscal year for which the amount appropriated under subsection (a) is less than $24,000,000.".

TITLE III—AMENDMENTS TO THE ARTS AND ARTIFACTS INDEMNITY ACT

SEC. 301. INDEMNITY AGREEMENTS.

(a) LIMITATION APPLICABLE TO AGGREGATE LOSS.—Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking "$1,200,000,000" and inserting "$3,000,000,000".

(b) LIMITATION APPLICABLE TO SINGLE EXHIBIT.—(1) Section 5(c)) of the Art and Artifacts Indemnity Act (20 U.S.C. 974(c)) is amended by striking "$125,000,000" and inserting "$300,000,000".

(2) Section 5(d) of the Act (20 U.S.C. 974(d)) is amended—

(A) in paragraph (2) by striking "or" at the end,

(B) by amending paragraph (3) to read as follows:

"(3) not less than $10,000,000 but less than $125,000,000, then coverage under this Act shall extend to loss or damage in excess of the first $50,000 of loss or damage to items covered;", and

(C) by adding at the end the following:

"(4) not less than $125,000,000 but less than $200,000,000, then coverage under this Act shall extend to loss or damage in excess of the first $100,000 of loss or damage to items covered; or

"(5) $200,000,000 or more, then coverage under the Act shall extend only to loss or damage in excess of the first $200,000 of loss or damage to items covered.".

TITLE IV—EFFECTIVE DATES

SEC. 401. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1990.

(b) SPECIAL EFFECTIVE DATE.—The amendments made by sections 110, 204, and 301 shall take effect on the date of the enactment of this Act or October 1, 1990, whichever is earlier.

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, for months now, we have all been inundated with bizarre and fantastic claims about the behavior of the National Endowment for the Arts.

Today, we are called on to make a judgment: How real are these charges, and what should be done in response?

It takes some doing to separate fact from fiction in this debate, which has been characterized by exaggeration, misstatements and outright falsehoods. But today it is essential that we do so.

For the most part, the NEA is performing admirably in supporting deserving artists and arts organizations around this Nation. The vast and overwhelming majority of the grants it makes have never been called into question by anyone. And despite the desperate attempts of some to link NEA funding to obscenity or other perceived wrongs, there is little truth to these claims.

Have mistakes been made? It is likely that they have. But do these mistakes warrant wholesale changes in the way the NEA does business. The answer is a resounding "no."

As a member of the subcommittee on postsecondary education, I voted for legislation to reauthorize the NEA without restrictions on the content of works of art, and without damaging changes in its grantmaking procedures. And I continue to believe that this is the most appropriate action for Congress to take.

I believe in the statements by the President and the Chairman of the NEA that they will act forcefully to prevent abuses by the agency.

And I also believe in a fundamental principle that guides this Nation: the principle of freedom of expression.

A quarter of a century ago, Congress and the President decided to create a Federal agency to promote the arts in America. They did so because they believed that our Nation's cultural heritage must be preserved, and our Nation's artists deserve our strong support. That concept still holds true, as it always should.

Opponents of the NEA argue that content-based restrictions on NEA-sponsored art are appropriate in light of the public sponsorship of such works. But efforts to impose content restrictions on works of art that are

funded by the Government are dangerous and wrong.

There are certain standards that must not be violated. That is why we have laws against obscenity, libel, and slander. But when the Federal Government goes beyond that and attempts to further restrict the content of works of art, we make a mockery of the principles for which our Nation stands.

I am not happy with all aspects of the Williams-Coleman substitute because I believe that some of its changes in the distribution of funds and the application procedures for NEA grants will not improve the NEA or protect the taxpayers. It also contains language concerning standards of decency that I find very troubling. But I applaud Mr. WILLIAMS for his efforts in achieving this compromise under very difficult circumstances, and I applaud him for continuing to reject many of the Arbitrary content restrictions that have been advocated.

In my congressional district, the NEA is providing funds to struggling artists and arts groups whose contributions to our community have never been questioned. And, importantly, the NEA is also providing essential support to our local schools.

Of course, it is imperative that our children be educated in the arts, and that is one reason I support the Williams-Coleman substitute. It contains a very important initiative to expand arts education around the Nation, an initiative that will help children around the Nation express themselves through the arts and achieve their full potential.

We must teach our children about the arts and encourage them in their creative endeavors. And we must also teach our children about respect for freedom of expression.

In my view, efforts to restrict the content of works of art will damage our nation's artists and our Nation's cultural heritage. But it will also damage the principles on which our Nation was founded.

Let us think today about what we teach our children when the Government seeks to restrict freedom of expression. Let us then approve the Willams-Coleman substitute, which rejects censorship in favor of the freedoms we hold dear.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would just like to clear up one matter to make sure there is no confusion. Since no one rose in opposition to the amendment, then the gentleman from Missouri [Mr. COLEMAN] by uanimous consent can be recognized and yield back the balance of his time. The Chair would not want there to be confusion about the time at the end of the amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I do not claim the time since I obviously am in support of the amendment, but I would ask unanimous consent that since nobody has risen, we could shorten the time by 30 minutes if it were yielded back, and I would do so for that purpose.

The CHAIRMAN. Without objection, no Member rises in opposition to claim the time, and the time is yielded back.

There was no objection.

Mr. WILLIAMS. Mr. Chairman, I yield 13 minutes to the gentleman from Missouri [Mr. COLEMAN] and I ask unanimous consent that he be allowed to control that time for the purpose of yielding to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me explain to the committee where we are in this process.

We have pending the Williams-Coleman bipartisan substitute proposal, which if it were not to pass we would go back to the committee bill, which is a straight reauthorization of the NEA with no changes. Having defeated both the Crane amendment and the Rohrabacher amendment, we need to support and pass the Williams-Coleman substitute or else all of the things that we have worked for to provide for accountability, to streamline and to assure proper procedures and reforms in the NEA and to in fact restrict the funding to non-obscene works, all would be for naught. So we need to adopt this amendment.

Mr. Chairman, having explained to the body where we are, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, in today's Los Angeles Times there was an article regarding the court upholding an item known as the newsman's shield law, which is in our State constitution. Some years ago I was the author of that proposition which changed the constitution, which provides some assurance of a free flow of information between the public and its politicians.

Many of my conservative friends at the time I carried that measure scratched their heads and said, "LEWIS, have you gone nuts? What are you doing? The press has never done anything for you."

The point was not that. The point is that fundamental to our society is making certain that the public does have a means of access to that which then elected officials do. One of the other fundamentals of our society that is critical to me as well is that a broad variety and mix of creative art in our culture. The strength of our culture is reflected in such a mix.

The National Endowment for the Arts has been critical to that mix. It is my view, however, that there is a need for reasonable standards. There is indeed a need to review these questions when there are public funds involved.

The fine work done by the members of the committee in that connection should be supported by our colleagues. Indeed, I have not seen a finer piece of work regarding the subject matter.

It is with this in mind that I urge my colleagues to support the Williams-Coleman amendment.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, the history of art is a tradition of public and government support for the great artists, musicians, writers, and playwrights of the world. Let me give you a few examples:

Michelangelo Bounarroti was able to sculpt the David because of the support from the Medici family and Pope Julius II.

Mozart received backing from Emperor Joseph II of Vienna.

Beethoven was supported by Prince Lichnowsky, Prince Krinsky, and Archduke Rudolph. This royal coalition paid him an annual salary to allow him to focus on his great works.

Today, in America, the National Endowment of the Arts has taken the place of the Kings and Popes of the past. The NEA has allowed thousands of artists to grow and enrich our lives, including choreographer and dancer Twyla Tharp, and writers Alice Walker and Joyce Carol Oates.

Less than five-hundredths of 1 percent of nearly 90,000 NEA grants have resulted in controversy. It is hard to believe that many other Federal programs can claim such a success rate.

It is clear to me what this controversy is all about. The cold war is over. The red menace is gone. And the right wing had to find a hot-button issue to support their direct-mail, fund-raising campaigns. They found that issue in the NEA. Let us say no to these tactics.

Mr. Chairman, we are not art critics. We are not super censors. Let us get on with our job, like eliminating the deficit and let the NEA get on with its job of encouraging and supporting young artists.

Support the Williams-Coleman substitute.

□ 1830

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. Chairman, I want to say he was a great facilitator in trying to put to-

gether this package, this bipartisan package, and I appreciate it very much. Much of the Coleman-Gunderson proposal is in here.

Mr. GUNDERSON. Mr. Chairman, after months of controversy, we finally have an agreement to address the problems at the National Endowment of the Arts [NEA]. Having spent many hours looking into these problems over the past several months, I am pleased to support the substitute legislation offered on the floor today by Mr. WILLIAMS and Mr. COLEMAN.

My colleagues on the Education and Labor Committee may recall my frustration early this year when the entire debate over efforts to reauthorize the NEA centered on the straw man of defining "censorship." Let me say it one last time; refusal of public sponsorship is not—by any definition—government censorship.

In fact, we were confining debate on reauthorization of a 25-year-old Federal agency to semantics. No one on either side of the debate stopped long enough to look at the agency itself—at its successes, and its failures. And no one looked for a way out of the vicious circle we each leapt into.

The Williams-Coleman substitute is based on legislation Mr. COLEMAN and I wrote as a means of letting everyone climb out of the semantic circle. More importantly, our efforts achieved what we set out first to achieve—to shift the debate back to substantive reviews of where we could improve the NEA to eliminate its problems—and let there be no confusion here; despite the important achievements of this agency, it does have significant problems.

The agency suffers from problems at its root—in its definitions and in its goals. Is this to say the agency should be abolished? No. Its problems are understandable when you realize we have not made substantive changes to its original charter in 25 years. Can anyone think of any other agency where this is true?

The agency's biggest fault is that it has been wildly successful. In 1965, when the agency was established, the NEA assisted just five State art councils, and public contributions to the arts were minimal. Today, the NEA funds 56 State arts councils and 600 local agencies, and pulls in public funds for the arts of over $6.8 billion annually. This is a tremendous leveraging of public contributions for the arts.

But this is exactly why it is time to rewrite the goals for our premier arts agency. Americans are refusing to subsidize art which they would never allow in their own homes—and the NEA has an obligation to be sensitive to those views. The substitute bill will redirect the NEA on a course of public stewardship for the arts—and public is the operative word.

Under the bill, the NEA will avoid censoring works for objectionable or obscene content. But that is not to say funding of such works will be allowed. Under this plan, the new NEA will base its funding decisions on standards of artistic merit and artistic excellence only. And, given that obscenity is defined as without merit in the bill, the NEA cannot legally fund obscene works.

I would have preferred to go further in this new standard, but I am convinced we have other more important provisions in the bill to prevent poor judgment—the only scapegoat for funding obscenity under the new NEA—from prevailing in funding decisions.

By tracking past instances of NEA-funded obscenity through the funding process, we can see where changes in the agency are needed.

First, where the chairman, panels, and the council must base all funding decisions on standards of artistic merit and artistic excellence, this is a new—legally binding—provision. Also new is our language, never used before, requiring all projects to be sensitive to the nature of public sponsorship.

Second, at the beginning of the process—the panel review—we've made significant changes. Panelists, now made up of past and future NEA grant recipients, must include nonartists, and may not include past NEA fund recipients. Nor may panelists receive NEA grants in the immediate future. Also, we demand specific levels of annual panel turnover, demand greater public record of panel decisionmaking. Most importantly, though panels have no legal authority to recommend funding levels for projects, they have, leading to rubber stamping of projects at all other levels in the process. We state specifically in the new bill that panels may not recommend or comment on funding levels.

That duty falls on the only body accountable to public scrutiny—the national council. This will force the council to take an active role in every project under review—a habit not followed currently. In fact, the council will not be accountable for every funding decision, as it must approve every project before the chairman may approve funding.

The chairman, although given pure authority to veto any decision to fund a work, may not fund any work without approval of the council. Again, these provisions put the responsibility for important decisions squarely on the back of public servants who are held accountable for their judgment.

Finally, artists will have new responsibilities which they do not have now. As grantees of public funds, they must be held accountable to the public as are all other recipients of Federal funds. We will require up-front detailed explanations of what tax dollars are funding; will require reports proving compliance with funding agreements and showing sensitivity to public sponsorship and religious, ethnic, and cultural traditions and heritage. Site visits will be required, and funds will be cut off immediately for noncompliance with the new standards.

Important to many of us reluctant to continue sending most of the scarce NEA funds to America's sophisticated city art centers, this bill increases direct payments to the States from 20 percent to 27.5 percent and creates a new discretionary account of 7.5 percent of total funding for art programs in rural areas and inner cities. These two changes will dramatically improve our intent to direct more NEA funds to promoting access to art and art education, especially in rural areas.

While I would have preferred consideration today of the original legislation Mr. COLEMAN and I proposed earlier, I am very pleased with the far-reaching reforms maintained in the Coleman-Williams substitute.

Mr. Chairman, from that perspective, I would like to enter into a colloquy, if I could at this point in time, with the distinguished chairman.

Mr. Chairman, in reference to the authority of review panels under section 109(c), of the bill under consideration, I understand this language is intended to specifically prevent panels from recommending or commenting on funding decisions to be made by the national council.

And, as I understand it, this provision was drafted with the assistance of legal opinion suggesting panels would, in fact, be prevented by law from making decisions or recommendations regarding funding of projects.

Is this understanding correct, and what exactly is the legislative intent of your bill on this matter?

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I know of the gentleman's specific concern on this issue.

The intent of the legislation is to prevent panels from making recommendations of anything other than the artistic excellence and artistic merit of projects under consideration. In fact, as the gentleman, I think, knows, during the 25-year history, the NEA review panels have never had legal authority to recommend funding levels, and it is our intention that they do not now by statute.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's response.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my colleague,

Chairman WILLIAMS, for allowing me time to speak.

I rise to urge my colleagues to support the National Endowment by voting for the Williams-Coleman substitute.

My colleagues, have we learned anything from the transformation of Eastern Europe, from the changes in the Soviet Union, from the early signs of democracy in South Africa? These changes have come about because the basic right of free expression cannot be suppressed for long. The struggle against censorship, against censorship of the press, against censorship of religion, against censorship of speech, is as old as the dawn of history. It is strange to me that in every age there is somebody who tries to ban or burn books, or to deny people the right to speak or the right of people to be creative.

If we truly believe that, in this country, we must preserve the right of each person to express himself, then we must back up that belief with a public commitment to the arts and to free expression, a commitment of resources a commitment of dollars.

Mr. Chairman, I speak as an ordained Baptist minister and as a Member of the Congressional Arts Caucus. I see no conflict of interest. I deeply believe in traditional American values. I believe that freedom of expression, freedom of thought, and the freedom to be creative is deeply rooted in the American dream and in the Bill of Rights.

My colleagues, we must remember the words of President Kennedy:

> The artist however faithful to his personal vision of reality becomes the last champion of the individual mind and against an intrusive society * * *. We must never forget that art is not a form of propaganda; it is a form of truth. In serving his vision of the truth, the artists best serves his nation. And the nation which disdains the mission of art invites the fate of Robert Frost's hired man, the fate of having nothing to look backward to with pride, and nothing to look forward to with hope.

I urge all my colleagues to support the Williams-Coleman substitute.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first of all, I would like to pay special tribute to our chairman, the gentleman from Montana [Mr. WILLIAMS] for his outstanding work on this, and our friend, the gentleman from Missouri [Mr. COLEMAN]. The two gentlemen have taken a very divisive issue, a very difficult issue, they have listened to both sides in this debate, and they have crafted a very sensible compromise that hopefully the overwhelming majority of this body can support here this evening.

Mr. Chairman, it is clear in this proposal that the Williams-Coleman amendment prohibits Federal funding of any obscene art, and everyone in this country should clearly understand that.

The one point that I wanted to make this evening, Mr. Chairman, is that over the last few years this institution, the Congress of the United States, has been the target of a lot of groups across the country suggesting that somehow we have been responsible for the funding of obscene art, and I want to make the point that that is absolutely not correct.

I hope that during the next few years the people of this country understand that the National Endowment for the Arts and the National Endowment for the Humanities are run by 26 Members of a Board, all of whom are appointed by the President of the United States, all of whom are confirmed by the Senate of the United States, and as I vote for the National Endowment for the Arts reauthorization, I do so with the firm belief that the President's appointee can and will do a much more efficient job of monitoring this program in the days ahead.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

□ 1840

Mr. HENRY. Mr. Chairman, given our discussion on the issue of public accountability with the National Endowment for the Arts, I would just like to highlight six changes in the substitute, six different changes which seek to address what I regard to be a very legitimate concern.

The opening charter of the Endowment has new language which makes very clear that the Endowment is, in fact, money-sensitive to the nature of public sponsorship. We are dealing with public funding of the arts, public funding of the humanities, and accordingly there is public responsibility. It is my opinion—I know it is not shared by all—that if Congress wanted by way of standards, say, the only kind of painting it would allow things painted in pink, I think it would be kind of a stupid national policy, but I think they can condition the use of public funds. We begin in this charter by saying, yes, this is public sponsorship, and it is thereby accorded public responsibility in the use of public moneys. That is made clear to put an end to this kind of amorphous debate that just because we are involving public funding of arts, there is no accountabilty on the use of those funds.

Second, as I illustrated—and I want to reiterate this lest there be any public misunderstanding—there is new language now in the grant procedure itself which mandates that in the awarding of funds, in the award process itself, general standards of decency must be accorded. That is very broad language. That is much broader than all the obscenity language which we have been debating about.

One of the reasons for that is, given the Miller versus California standard, anything that has artistic merit is not by legal definition obscene. So, how can we seek to address the problem that we heard from our constituents? We put general decency requirements into the act.

In addition, all grants are released incrementally so that the use of public funds is monitored during the grant disbursements process, so we will no longer have the problem of money out, "Whoops, we didn't know you would do it that way or that is what it would be used for."

Fourth, we review the panel system so we do not have what was a concern raised in some quarters of review panels that had incestuous relationships. I speak allegorically of the artistic communities they were closest to, by way of back scratching, and saying, "I know them. They are good. Give them money."

They make recommendations relative to what meets the new legislative criteria. However, the Endowment, which is Presidentially appointed and subject to Senate confirmation and politically accountable, must now move on those recommendations.

Finally, the Chairman now has very clearly independent veto authority, even above the Council's recommendations to him, based upon the panel's recommendations to it. So, there are many new safeguards addressing the issues that have been brought to our attention.

I commend the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Missouri [Mr. COLEMAN] for their very hard work.

Mr. WILLIAMS. Mr. Chairman, I return the compliment to the gentleman from Michigan [Mr. HENRY], who has been of such assistance to Members.

Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, free expression in this country has been threatened by a manufactured, politically inspired, and overstimulated public reaction to a few atypical problems.

This attack on the NEA has come very close to bringing about an overreaction legislatively that would have meant that we had prior restraint on freedom of expression. However, this amendment, offered by the gentleman from Missouri [Mr. COLEMAN] and the gentleman from Montana [Mr. WILLIAMS] allows Members to avoid that unfortunate attack on freedom of expression.

We deserve—they deserve the thanks of all Members. I think the two of them have operated as the epitomy of a chairman and ranking member when confronted with a national, in this case, contrived crisis.

We owe them, I think, the thanks that go with enactment of a bill that will really not only continue the NEA in its strength, but build on a tradition of expanding public access to the arts, and the substitute which we can agree to now authorizes new programs in art education, in both rural and inner-city areas.

It is really a commentary on the strength and wisdom of a Government which supports and nurtures the creativity of its artists. Every society needs its artists. They are its watchers, its critics, its champions. Thanks to the chairman and the ranking member, the NEA will live on in keeping with its great tradition.

After months of work on a compromise agreement, the chairman and the ranking member of the authorizing committee have developed reforms to address any of the perceived problems with the NEA. I congratulate Mr. RON COLEMAN and Mr. PAT WILLIAMS.

The bipartisan substitute is a fair compromise, reaffirming our Nation's commitment to the arts while ensuring the endowment is sensitive to the nature of public sponsorship.

The substitute will preserve the tradition of artistic excellence in the NEA, while stating that the NEA may not fund obscene art. Obscenity is without artistic merit and is not protected speech.

Let the courts decide: If a work produced with the assistance of an NEA grant is deemed obscene by a court of law, the NEA would then recover the funds awarded for that work.

The substitute reforms the grant review process to ensure greater accountability and consideration of the diverse beliefs and values of the American public.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Chairman, when business people come looking at a town or a city with the idea of locating their office or factory there, they look at a lot of things: The work force, the weather, transportation, and especially education. The first question they ask is, "What are the schools like." And they also take a long hard look at an area's cultural life.

When the city of Atlanta was chosen by the International Olympic Committee to host the world for the 1996 Olympics, all of those things were considered and found admirable. When they looked at our city's cultural life, they considered the first class Atlanta Symphony and the renowned Atlanta Center for the Puppetry Arts, the National Black Arts Festival, the Alliance Theatre, the Atlanta Ballet, and, among much else, the world-class Woodruff Arts Center—all of which have benefited from funding by the National Endowment for the Arts.

The NEA is good business, and it's good for business. In Georgia, in 1989, the Endowment made 81 grants totaling over $2.8 million. Mr. Chairman, we've all heard from those professional propagandists who preach that the Endowment is a cesspool of pornography, sacrilege, and decadence. It is not. You know, I've noticed that a lot of those demagogues are in business too. There's always a little solicitation for money along with their misinformation. There are also certain elitists in the arts community who forget that the NEA is public money that carries with it a public trust, a responsibility to that public for excellence.

The Williams-Coleman substitute says that the best way of dealing with wretched excess is in the courts, under the Constitution. That's bipartisan common sense, and I'm for it.

Mr. Chairman, I would like to take a minute to talk about a little play called "Driving Miss Daisy." It was written by Alfred Uhry, who was raised in the Fourth Congressional District of Georgia. "Driving Miss Daisy" is Mr. Uhry's first dramatic play. Because of the play's subject matter and simple setting, it hardly seemed a candidate for commercial production. But the play caught the interest of the artistic director of the Playwrights' Horizon Theater in New York City, a nonprofit theater dedicated to the development of new plays and musicals. Of the theater's grant from the NEA, $18,000 was used to produce the first production of "Driving Miss Daisy" in 1987.

Since that time, the play has generated ticket sales in excess of $25 million from productions in New York, Chicago, Atlanta, San Diego, and a national tour. The box office continues to grow as "Driving Miss Daisy" is produced by professional and community theatre companies around the United States. This play has been seen by audiences in Australia, Great Britain, Denmark, Canada, Germany, Israel, the U.S.S.R., Norway, Sweden, Switzerland, and Argentina. And there are upcoming productions in France and China.

"Driving Miss Daisy" received the Pulitzer prize for playwriting, and then a movie adaptation of the play was filmed in the Fourth Congressional District on a budget of $5 million, most of which was spent in the district. The first release of the movie grossed $107 million and won four Academy Awards.

The video cassette of "Driving Miss Daisy" was released in mid-August; 325,000 tapes were shipped to outlets around the United States. It has been at or near the top of all video rentals nationwide since its release, generating an estimated $15 million in rental fees so far.

Using a conservative multiplier of two, the economic impact of the $18,000 investment in a play called "Driving Miss Daisy" is already nearly $300 million. That figure will continue to grow as more productions of the play are mounted, video cassette sales and rentals increase, and the film is released in other parts of the world. So, an $18,000 initial investment made by the NEA has already been returned to the U.S. economy 16,667 times.

However, "Miss Daisy's" most important contribution must be viewed in another way. This delicate story about the love and friendship which grew over the years between an elderly Atlanta widow and her black chauffeur has touched the lives of millions, illuminating places in the human heart and underscoring some old-fashioned American verities, like unselfishness, tolerance, brotherhood, and courage. There is no way to measure that benefit, Mr. Chairman, but that is good business too. The best.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I want to compliment the chairman and the distinguished minority leader for all the work and all the grief they have taken because of a few individuals who have chosen to see the dark side of issues. It has really demeaned one of the finest agencies I think we have ever had in this country, and that is the NEA.

There have been 85,000 grants that have been given to all areas of this country, in rural America, urban America, and only a few have been distasteful. However, I believe that the overwhelming good that this agency has done in terms of stimulating the arts, that hail the minds and souls and mirror our heritage as a nation, and give individuals a chance to participate in the arts, are very, very important.

Mr. Chairman, I would like to talk just briefly about a few of the grants that have come to my hometown of Cleveland, OH, in the last 25 years. Young people would never have been able to go to hear a symphony as performed by the Cleveland Orchestra if the orchestra had not received a grant so that young people of all backgrounds could participate. Adults could not participate in seeing a ballet in the Repertory Cleveland Ballet, which has created jobs for our people, and at the same time has a high level of artistic integrity.

Yes, we have seen aspiring artists who may not ever have had a chance to have the leisure to perform, or the leisure to draw, receive grants and have gone on to become professionals. Why is it that in this country we spend about three times less than our northern neighbors of Canada, England, France, Italy, et cetera? We are

way behind in our fostering the arts in this country. We ought to not demean the arts but realize what a lofty, noble profession it is, and how much it means to our country.

□ 1850

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I want to emphasize to the House that without passage of the Williams-Coleman substitute, we have no standards of obscenity. We have no restrictions on the funding of obscene works. We need to pass the Williams-Coleman substitute in order to tighten up the procedures and the process, to provide those detailed descriptions of projects, to condition awards on the highest artistic excellence and artistic merit, to have multiple dispersements, two-thirds up front with one-third at the end, with reporting requirements by the artist, procedural reforms to reform the panels, the advisory panels which are truly advisory. They will not decide how much money is given to each grant, because that will go through the National Council of the Arts under our proposal, who for the first time will really provide funding level policy decisions and make recommendations to the chairman of the endowment, and that chairman will have final authority to approve or disapprove of any work of art which has been recommended to him by the Council. That chairperson does not have to approve an application, but in order to approve an application, it must be submitted to him for his approval by the Council.

In other words, Mr. Chairman, we must pass the Williams-Coleman proposal to broaden the panels to nonartists, to create the mechanism, if you will, to assure that the highest quality art in this country is going to be funded. That is why we have created this bipartisan package.

We recognize that States will receive more money under our proposal to reflect those values, those local community values that we hold dear, without dismantling the National Endowment at the national level.

We have established new programs and priorities for projects that the NEA will now fund, including access to the arts through film and television, radio and video, a new arts education program and a challenge grant to develop arts organizations in order to bring into rural and inner cities the highest quality of art in this country.

Mr. Chairman, I am very proud to stand here tonight in front of this House and join with my colleague, and let me pay special commendation to the gentleman from Montana [Mr. WILLIAMS]. He and I are not the same peas in the pod as some would like to describe us, but we respect each other because we know we both believe in the things that we stand for because we truly feel them. We can respect each other. We can come to the floor in a compromise. That is what the legislative process is all about, Mr. Chairman, to try to find these extremes and bring them together.

Today the middle is holding in this House.

Mr. Chairman, I ask my colleagues to vote yes, regardless how they voted on the previous amendment, to vote yes on Williams-Coleman.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Chairman, I have been working in my office, as many of my colleagues have, listening to the debate. I guess I am surprised that people who talk so much about their rights are so quick to step on the rights of other Americans. I was not going to speak, but I thought I should for a moment as a professional artist and a Member of this body who is absolutely opposed to pornography in any form and has never received any kind of grant money for an art project.

I am getting a lot of mail, as many of my colleagues are, from people who believe you set public policy by who yells the loudest. It has been described by one of my colleagues as an artistic holocaust. It has kind of a similar ring to what the Third Reich said in 1939-41 when they were trying to crush freedom of speech in Germany.

I know it takes courage to stand up for a small organization like the NEA, but without it many of our great works of art could not have been funded. I do not think we should be judge, jury, and executioner of art in America.

We should cut out the smoke screening of the real issue. This is not a budgetary question or a management question. The fundamental question to me is really whether we are going to be a people who walk the path of cultural enlightenment, or are we going to be flogged into a new age of darkness by right wing extremists?

I think this vote on the Williams-Coleman amendment is the first step on that path.

Mr. WILLIAMS. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, there are significant procedural changes made in the proposal before the House. This proposal is here because of the cooperation between myself and the gentleman from Missouri who has done excellent, extraordinary work on this legislation and this amendment, and I thank the gentleman from Missouri [Mr. COLEMAN] a great deal.

If we have done one important thing in this amendment, it is this. We have maintained the integrity of freedom of expression in the United States. Up my way in Montana I grew up in a little mining town called Butte. Many years ago in order to judge the health of the air in those deep mines out there, the miners used to bring down into the depths of the mine with them a canary in a cage. They would constantly move the cage out in front of them as they worked ahead in the stope. The purpose of that, of course, was to check the quality of the air, because if the canary could not survive, they knew that the air would soon be not healthy for them, and perhaps they could not survive in those deep mines.

In this country we are about a great experiment, and that is whether democracy can survive, whether a people who would dare to rule themselves can do it. If that experiment is to be successful, the environment of freedom must be maintained, and in this country artists are democracy's miner's canary. If we can protect freedom of expression for them, then the freedom of expression for all of us remains intact.

On the wall of the Kennedy Center are written the words of that young President, John Fitzgerald Kennedy, whose idea in a way we are saluting here today. The words in that wall, written more than 20 years ago by Jack Kennedy, are these:

John Kennedy said:

I see an America which rewards excellence in the arts just as it rewards excellence in business and statecraft. I see an America that constantly expands cultural opportunities for all Americans.

And finally, said that young President:

I see an America that is respected throughout the world, not only for its strength, but for its civilization as well.

Mr. Chairman, the House has done itself proud today.

Mr. GALLO. Mr. Chairman, over this past year, serious concerns have been raised about the National Endowment for the Arts. These concerns have been expressed to me by parents, community leaders, patrons of the arts, and many other individuals in my district.

From my days in the State legislature in New Jersey, I have been a strong supporter of the arts. To me, I have always envisioned our role as one that works to increase the public's access to the arts—for our communities, our schools, our children, and the general public. And when I look at what the National Endowment for the Arts has done in our State, I am confident that the NEA has achieved its goal.

Unfortunately, several controversial art exhibits funded by the NEA last year raised serious concerns about the practices and standards for awarding NEA grant moneys. It is clear why these exhibits raised such a firestorm—these decisions showed extremely poor judgment in the use of taxpayer's moneys.

As the Representative of the 11th district of New Jersey, I share my constituents' outrage over these grants that reflect so poorly on the judgment of the NEA. What is so unfortunate

is that these few decisions could put many worthy local projects, such as the New Jersey Chamber Music Society, the Whole Theatre, and the Montclair Art Museum, in jeopardy. Arts projects that have enriched the lives of residents in my district should not be put in jeopardy by the careless actions of others.

However, I believe we must make a change. Strong action needs to be taken to improve the accountability of the NEA in the use of taxpayers' money so that Federal support for the arts can continue.

In a letter I sent to the Chairman of the NEA, I forewarned him that this kind of careless use of taxpayers' moneys would not be forgotten by me or other Members when we considered the reauthorization bill.

Today, we face that debate and we have several choices of action.

We can reauthorize the program "as is." In light of this past year's problems and the justifiable outrage from the taxpayers, this route is completely unacceptable to me.

Similarly, I do not support the Crane amendment to completely abolish the NEA. I will not cut off the worthy projects in our State because of the mistakes of a few.

There are two remaining options—the Rohrabacher amendment and the Williams-Coleman bipartisan substitute. The amendment proposed by Representative ROHRABACHER is worthy in intent but fails in practice. By establishing specific moral, religious, and cultural definitions of acceptable art, this amendment makes the Congress, not the courts and not the public, the purveyor of these standards. Not only is this a dangerous precedent, it is unconstitutional. And when this amendment is declared unconstitutional, I am concerned that we will lose the value of standards and reforms contained in our other alternative. In fact, we would be back at square one with business as usual.

On a even more practical level, I cannot see how the Congress can take on a new role as the standard bearer for cultural expression when it cannot manage to deal with many of its present responsibilities, including the approval of a long overdue Federal budget.

Along with many concerned Members of Congress, I have spent this past year closely reviewing the NEA's budget plan and its procedures for awarding funds to various arts organizations in order to pinpoint where the NEA went wrong and how to change the procedures and standards to prevent similar problems in the future.

For this reason, I am supporting the Williams-Coleman bipartisan substitute because it succeeds in putting much tighter controls over NEA grants, including interim reports, incremental funding, and greater State and community involvement. As with all other Governent expenditures, this substitute makes it very clear that it is the public's money that is being spent and that we have the right and responsibility to ensure that their money is being well spent.

More important, the Williams-Coleman substitute puts the obscenity debate where it belongs—in the community. The substitute clearly states that obscenity is not protected by the Constitution and is not to be funded by the NEA. Under the substitute, any member of the community may bring a court challenge stating that the subject of an NEA grant is obscene. This approach is both appropriate and workable. Any NEA grant found to be used for obscene purposes would subject both the artist and the granting institution to strict penalties.

Mr. Chairman, we should approve this substitute because it makes the National Endowment for the Arts more accountable to the public by prohibiting the funding of obscene work, restructuring the Endowment to give more responsibility to the State and communities and reforms the grant-making process. Most important, it will begin the process of restoring public confidence in the Endowment and will allow our continued support for access to cultural and artistic excellence in America.

Mr. MCMILLEN of Maryland. Mr. Chairman, today I rise in support of the Williams-Gunderson substitute. Let me first state that I abhor obscenity—it is the antithesis of art and deserves no protection under the first amendment. The question at hand is how to prevent the funding of obscene art without trampling on our first-amendment rights. I believe the Williams-Gunderson amendment treads this fine line and will help clear up once and for all the troublesome issue of National Endowment for the Arts funding for obscenity.

The Williams-Gunderson provision provides that the NEA shall not fund obscene art and establishes a clearcut applicable definition of obscenity. Under the substitute, projects would be judged to be obscene if they violated any of the three standards set forth in the Supreme Court definition of obscenity, Miller versus California, in 1973. A project would be judged obscene if: First, the average person, applying contemporary standards, would find that the work, taken as a whole, appeals to prurient interests; second, it depicts or descries sexual conduct in a patently offensive way; and third, it lacks serious literary, artistic, political, or scientific value, when taken as a whole. Grantees whose work was found to be obscene in the courts would have to return the funds to the Government.

The Williams-Gunderson proposal would also radically overhaul the NEA grant application procedures. It would insure that the touchstone for any NEA grant is artistic excellence and artistic merit. It would also open up the grant making procedures to general members of the public and include individuals reflecting a wide geographic, ethnic, and racial representation and diverse cultural and artistic points of views. By increasing the openness and diversity of the grant panels, the measure increases the accountability of the grant making procedures.

Finally, the amendment adds to the declaration of findings-and-purposes statements of the NEA that the Government must be sensitive to the nature of public sponsorship. Similarly, it states that funding of the arts must take into account the conditions of public accountability that govern the use of public funds and that the arts should reflect the Nation's rich cultural heritage and diverse beliefs and values of all Americans.

Let me state unequivocally, that I oppose pornography and obscenity. They are offensive to all decent Americans and are not a form of free speech to be protected by the first amendment. Only the Williams-Gunderson amendment protects all Americans by treading the delicate path of prohibiting the funding of obscene art while protecting our first-amendment rights.

Mr. MATSUI. Mr. Chairman, I rise today to give my strongest support to the Williams-Coleman amendment. Throughout history, the arts have been an essential part of American culture. In 1965, President Johnson and Congress created the National Endowment for the Arts and the National Endowment for the Humanities with the idea that is was appropriate for the Government to play a vital role in nurturing a conducive and creative environment for the arts. Embodied in this creed is the idea that Congress should not exercise any direction or control over the foundation in its granting process or its policy. We must not lose sight of this most important creed as we and our followers in Congress continue to support this most worthy organization.

In the wake of a few controversial grants that have been blown out of proportion by some extremist groups, many have lost sight of what the NEA stands for. The Endowment challenges artists and the public alike, to think, to be imaginative, to create something new that goes beyond the present artistic realm. As President Kennedy once said, "if art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him."

This challenge has created dramatic growth in all areas of the arts community. In 1965 there were 56 nonprofit theaters in the United States, today there are 400. In 1965 there were 60 professional orchestras in the United States Today there are well over 150. Not only has the Endowment spurred dramatic growth in the arts, it also has helped to document and save our folk traditions for future generations to enjoy.

Last year, a bipartisan commission was named by President Bush and the Democratic and Republican leaders of Congress to review the NEA's grantmaking process. That recently released report reinforced one crucial concept—that freedom of expresion in the arts is essential for its success and the issue of obscenity must be decided by the courts, not the NEA.

The NEA is one of the Federal Government's most accountable and successful programs and it is my feeling that the checks and balances offered in this amendment will not only give artists the freedom to seek their visions but will also keep them responsive to their public sponsorship.

Remember that at one time Michelangelo's "The Last Judgement" in the Sistine Chapel was deemed indecent and Mark Twain's "Huckleberry Finn" was actually banned from bookshelves across the Nation. These great men whose works were once considered indecent by their contemporaries are now known as some of the finest examples of art and literature. The future holds similar great expectations that cannot be dulled by unnecessary Government intervention.

Mr. MILLER of Washington. Mr. Chairman, in 1965, the National Endowment for the Arts [NEA] began as an institution geared to explore and promote the varied arts found throughout America. The Endowment has

planted seed money in both established and obscure organizations, which often have blossomed into programs accessible to many Americans. NEA grants have been used to help build the Vietnam Veterans Memorial, help fund the original production of "Driving Miss Daisy," and help create the "Prairie Home Companion."

But, now there is a great deal of controversy over the reauthorization of the NEA. A small number of controversial grants in recent years has rightly caused the American taxpayers and their representatives to question the NEA. I cannot and will not tolerate wasting Federal funds for sexually explicit photographs, sacrilegious works, or child pornography that has no artistic value.

As NEA Chairman John Frohnmeyer admits, mistakes were made and changes are needed at NEA. Congress was handed the difficult task of finding a balance between support for the arts and the appropriate use of taxpayers' funds.

Last year I supported restrictive language and a funding penalty for obscene art works. I voted to rescind $45,000 from the NEA because of the funding of certain works by Robert Mapplethorpe and Andres Serrano. But, this did not fully address the underlying internal and external problems with the NEA.

This year, we have four options to choose from to confront the Government's role in promoting American arts.

The first and easiest option is to ignore the problem and simply reauthorize the NEA with no changes. The public has demanded otherwise, and it would be irresponsible of the Congress to keep the program status quo after the surfacing of recent NEA mistakes and problems.

Conversely, we could abolish the NEA altogether. If we did so, we would eliminate a number of children's workshops, cancel traveling exhibitions to rural communities, undermine support for symphonies and museums across the country, and possibly return the arts exclusively to the elite.

Still, we are faced with the question of what steps need to be taken to improve the accountability of the NEA. Congress could dictate restrictions for NEA funding. But, nebulous guidelines intended to prevent obscene and denigrating artworks often suppress acceptable art. For example, although I cannot condone bigotry of any kind, a blanket provision against funding art that contains elements of bigotry could easily forbid the NEA from funding some of Shakespeare's plays or Verdi's operas or Rembrandt's paintings.

Instead, I support the Coleman-Williams bipartisan proposal. This overhauls the internal operations of the NEA for the first time since its inception. Most importantly, obscene works will be forbidden to receive NEA funds. Grant recipients found guilty of obscenity by juries of their peers will have to return any NEA funds and will be barred from receiving other NEA support until the funds are repaid. Grant review panels will be expanded to include people outside the tight art community. National Council of the Arts meetings will be open to the public. The NEA Chairman will be given more power to overrule grant panels.

The process may not be perfect, but I believe these reforms will yield visible improvements. If they do not, next year we can consider abolishing the NEA altogether so as to remove the Federal Government from any direct role in the arts. In that event, the Government could still support the arts by providing tax incentives to the private sector rather than directly funding a government agency.

America must foster creativity and education through the arts. The NEA was created to inspire such creativity and will hopefully continue to do so, but it has no right to take the American taxpayer for granted in the process.

Mr. MOODY. Mr. Chairman, I rise in support of the Williams-Coleman substitute to H.R. 4825, authorization for the National Endowment for the Arts, National Endowment for the Humanities, and Institute of Museum Services.

The Williams-Coleman amendment is a very reasonable and responsible compromise to a thorny problem: How to balance our country's traditional objection to State censorship and taxpayers' right to resist funding of activities they don't like.

The substitute amendment resists the temptation to define obscenity item by item by statute—as the Rohrabacher amendment does—but instead lets the courts decice. It also makes certain reforms of NEA procedures, but it retains the time-honored peer review process rather than institute decisionmaking by Government bureaucrats. The latter would quickly amount to State censorship.

Today we have the opportunity to reauthorize NEA which has provided the opportunity for many people to enjoy art who may have otherwise never been able to do so. Let's not allow lies and inaccuracies to affect our vote today.

Only about 0.02 percent of NEA grants have generated any controversy. This is out of the thousands of grants which it has issued over the last 25 years. Americans have benefited tremendously from the over 80,000 projects funded by the NEA. Since the NEA was established in 1965 we have seen an incredible growth of professional dance companies, professional orchestras, local art agencies, professional choruses, professional opera companies, and professional theaters. All Americans benefit from this expansion of the arts.

The arts enrich our society and promote creativity. As President John Kennedy said, "Time will not remember us for the strengths of our armies, but for the strength of our minds." Most of what government does is ephemeral. Important, but ephemeral. Voting for the NEA is our chance to give something to American society today and for tomorrow. This is a lasting gift that can be enjoyed long after it's first seen.

Taxpayers spend an average of only 68 cents per year to support NEA—such a small price to pay for such a large benefit. Many Federal spending programs spend billions and deliver relatively little.

Congress should adopt the Williams-Coleman substitute and reject the Crane and Rohrabacher amendments. The Williams-Coleman substitute will ensure that the NEA continues as a strong agency with a record of success. We owe it to present and future Americans to continue funding the NEA.

Mr. COLEMAN of Texas. Mr. Chairman. I rise in support of this bill and in support of the substitute language on the NEA offered by Congressman PAT WILLIAMS, of Montana, and TOM COLEMAN, of Missouri.

This entire debate is a waste of time, literally. It is a waste of time for our staffs to have had to answer all of the postcards generated by rightwing direct mail lobbies on this issue throughout the summer—in fact for the past year.

The Dow Jones Industrial Average went down by 80 points yesterday. It did not go down because the NEA funded a couple of works of art that were offensive by consensus. It went down because the financial markets, Wall Street, the city of London and the Ginza, are not persuaded that the Congress and George Bush are serious about deficit reduction, nor about halting the slide in our economy.

I am not a great supporter of the involvement of the Federal Government in the arts. Marshall Stalin and Chairman Mao were great proponents of statist art and propaganda. I am only persuaded that there is a role for the Federal Government and for the three agencies which will be funded today because I support the public underwriting of efforts to broaden the spectrum of the kinds of art we see. Minorities whose work would otherwise have been omitted from what fits neatly in the "mainstream" may benefit from the NEA or the Institute for Museum Services. People from relatively isolated parts of America, like my constituents in west Texas, may have the genius of someone else from another part of this country made accessible to them by virtue of the NEA.

No one in the Congress wants to fund obscenity with our constituents' tax dollars. The Williams-Coleman language goes as far as is reasonable in ensuring that we do not. If we adopt the Rohrabacher amendment, or some other concoction of the far right which seeks to restrict the content of art, we will end up not with the NEA, but with the NEU, a National Endowment for the Unobjectionable. I will not waste any more time on this debate. As a member of the Committee on Appropriations, I know that we are supposed to complete 13 separate conferences in the next 9 days. That is important. This is trivial. I do not have time for it. Let us pass this bill and get on with our business.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Montana [Mr. WILLIAMS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COLEMAN of Missouri. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 42, not voting 9, as follows:

[Roll No. 448]

AYES—382

Alexander	Archer	Barnard
Anderson	Aspin	Bateman
Andrews	Atkins	Bates
Annunzio	AuCoin	Beilenson
Anthony	Baker	Bennett
Applegate	Ballenger	Bentley

Bereuter	Gephardt	McCloskey
Bevill	Geren	McCollum
Bilbray	Gibbons	McCrery
Bilirakis	Gillmor	McCurdy
Billey	Gilman	McDade
Boehlert	Gingrich	McEwen
Bonior	Glickman	McGrath
Borski	Gonzalez	McHugh
Bosco	Goodling	McMillan (NC)
Boucher	Gordon	McMillen (MD)
Brennan	Goss	McNulty
Brooks	Gradison	Meyers
Broomfield	Grandy	Mfume
Browder	Grant	Michel
Brown (CA)	Gray	Miller (CA)
Brown (CO)	Green	Miller (OH)
Bruce	Guarini	Miller (WA)
Bryant	Gunderson	Mineta
Buechner	Hall (TX)	Mink
Bunning	Hamilton	Moakley
Burton	Hammerschmidt	Molinari
Bustamante	Harris	Mollohan
Byron	Hastert	Montgomery
Callahan	Hatcher	Moody
Campbell (CO)	Hawkins	Moorhead
Cardin	Hayes (LA)	Morella
Carper	Hefley	Morrison (WA)
Carr	Hefner	Murphy
Chandler	Henry	Murtha
Chapman	Hertel	Myers
Clarke	Hiler	Nagle
Clay	Hoagland	Natcher
Clement	Hochbrueckner	Neal (MA)
Clinger	Hopkins	Neal (NC)
Coble	Horton	Nelson
Coleman (MO)	Houghton	Nielson
Coleman (TX)	Hoyer	Nowak
Collins	Hubbard	Oakar
Condit	Huckaby	Oberstar
Conte	Hughes	Obey
Conyers	Hutto	Olin
Cooper	Hyde	Ortiz
Costello	Inhofe	Owens (NY)
Coughlin	Ireland	Owens (UT)
Courter	Jacobs	Oxley
Coyne	James	Packard
Crockett	Jenkins	Pallone
Dannemeyer	Johnson (CT)	Panetta
Darden	Johnson (SD)	Parker
Davis	Johnston	Parris
de la Garza	Jones (GA)	Pashayan
DeFazio	Jones (NC)	Patterson
Derrick	Jontz	Paxon
DeWine	Kanjorski	Payne (NJ)
Dickinson	Kaptur	Payne (VA)
Dicks	Kasich	Pease
Dingell	Kastenmeier	Pelosi
Dixon	Kennedy	Penny
Donnelly	Kennelly	Perkins
Dorgan (ND)	Kildee	Pickett
Douglas	Kleczka	Pickle
Downey	Kolbe	Porter
Duncan	Kolter	Poshard
Durbin	LaFalce	Price
Dwyer	Lagomarsino	Pursell
Dymally	Lancaster	Quillen
Dyson	Lantos	Rahall
Early	Laughlin	Rangel
Eckart	Leach (IA)	Ravenel
Edwards (CA)	Leath (TX)	Ray
Edwards (OK)	Lehman (CA)	Regula
Emerson	Lehman (FL)	Rhodes
Engel	Lent	Richardson
English	Levin (MI)	Ridge
Erdreich	Lewis (CA)	Rinaldo
Espy	Lewis (FL)	Ritter
Evans	Lewis (GA)	Roberts
Fascell	Lipinski	Roe
Fawell	Lloyd	Rogers
Fazio	Long	Ros-Lehtinen
Feighan	Lowery (CA)	Rostenkowski
Fields	Lowey (NY)	Roth
Fish	Luken, Thomas	Roukema
Flake	Lukens, Donald	Rowland (GA)
Flippo	Machtley	Roybal
Foglietta	Madigan	Russo
Ford (MI)	Manton	Sabo
Ford (TN)	Markey	Saiki
Frank	Marlenee	Sangmeister
Frenzel	Martin (IL)	Sarpalius
Frost	Martin (NY)	Savage
Gallegly	Martinez	Sawyer
Gallo	Matsui	Saxton
Gaydos	Mavroules	Schaefer
Gejdenson	Mazzoli	Scheuer
Gekas	McCandless	Schiff
Schneider	Solarz	Traxler
Schroeder	Solomon	Udall
Schulze	Spence	Unsoeld
Schumer	Spratt	Upton
Serrano	Staggers	Valentine
Sharp	Stallings	Vento
Shaw	Stangeland	Visclosky
Shays	Stark	Volkmer
Shuster	Stearns	Walgren
Sikorski	Stenholm	Walsh
Sisisky	Stokes	Washington
Skaggs	Sundquist	Watkins
Skeen	Swift	Weldon
Skelton	Synar	Wheat
Slattery	Tallon	Whittaker
Slaughter (NY)	Tanner	Whitten
Slaughter (VA)	Tauke	Williams
Smith (FL)	Tauzin	Wise
Smith (IA)	Taylor	Wolf
Smith (NE)	Thomas (CA)	Wolpe
Smith (NJ)	Thomas (GA)	Wyden
Smith (TX)	Thomas (WY)	Yates
Smith (VT)	Torres	Yatron
Smith, Denny (OR)	Torricelli	Young (AK)
Snowe	Towns	Young (FL)
	Traficant	

NOES—42

Ackerman	Hancock	Sensenbrenner
Armey	Hansen	Shumway
Bartlett	Herger	Smith, Robert (NH)
Barton	Holloway	
Berman	Hunter	Smith, Robert (OR)
Boxer	Kostmayer	
Campbell (CA)	Kyl	Studds
Combest	Levine (CA)	Stump
Cox	Lightfoot	Vander Jagt
Craig	Livingston	Vucanovich
Crane	McDermott	Walker
DeLay	Mrazek	Waxman
Dellums	Petri	Weber
Dornan (CA)	Robinson	Weiss
Dreier	Rohrabacher	

NOT VOTING—9

Boggs	Morrison (CT)	Schuette
Hall (OH)	Rose	Wilson
Hayes (IL)	Rowland (CT)	Wylie

□ 1918

Messrs. ACKERMAN, McDERMOTT, DELLUMS, STUDDS, HERGER, and BERMAN changed their vote from "aye" to "no."

Messrs. TAYLOR, DONALD E. "BUZ" LUKENS, and SMITH of Texas changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, it is now in order to consider amendment No. 4 printed in House Report 101-801.

AMENDMENT OFFERED BY MR. GRANDY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WILLIAMS.

Mr. GRANDY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GRANDY to the amendment in the nature of a substitute offered by Mr. Williams: In subsection (1)(1) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965, as added by section 103(g), strike the dash and all that follows through subparagraph (B), and insert the following:

until such recipient repays such assistance (in such amount, and under such terms and conditions, as the Chairperson determines to be appropriate) to the Endowment

The CHAIRMAN. Under the rule, the gentleman from Iowa [Mr. GRANDY] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. GRANDY].

□ 1920

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. YATES was allowed to proceed out of order.)

Mr. YATES. Mr. Chairman, I should like to notify Members that we will not be taking up the Interior appropriations bill tonight. We will be taking up the bill tomorrow, rather than tonight, following the appropriations bill of the Department of Defense.

Many Members had asked me whether we intended to bring that up. That was the intention of the leadership originally, but I think we can dispose of both appropriations bills in a reasonable manner tomorrow in a reasonable time. I see no reason for delaying Members tonight.

Mr. GRANDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by saying I am a strong supporter of the Coleman-Williams compromise which this House just overwhelmingly passed, and I offer this amendment to improve slightly, and I hope more compassionately, a piece of legislation that I think has found the proper balance between accountability to the taxpayer and due process for the artist, with no limitation on artistic freedom.

Mr. Chairman, if we look at the penalty provisions in this bill, I think we have to give ourselves perhaps a moment to step back and say we are not piling on penalties here for someone who has been found guilty in a court of law. There are no content restrictions in the legislation, but if an artist under this bill is found guilty of obscenity and has exhausted his or her appeal process, then the Cairman of the NEA can require that artist to repay the grant and he will debar that artist for 3 years.

Mr. Chairman, I ask only in this amendment that we make the recoupment of funds and the debarment from the Endowment coterminos. In other words, if you are found guilty and you repay your grant in 2 days; if you repay it in 3 years, you are debarred for 3 years; if you repay it in 10 years, you are debarred0 for 10 years.

The reason being, Mr. Chairman, is that almost invariably those artists that will fall prey to this amendment will probably be young fledgling artists, probably the people that Garrison Keillor refers to when he talks about

the Endowment, encouraging artists who are young and dangerous and unknown and very much alive.

Mr. Chairman, here is my point: take the Mapplethorpe case. Assuming that defendant had been found guilty, under Coleman-Williams that defendant would have to obviously repay the grant, in this case the gallery, and would be debarred for 3 years. In so doing we not only cut the artist off from his present livelihood, we cut them off for the future resources.

Young artists only have so many opportunities. All I say is that temper justice with some compassion in this legislation and think very seriously about making the punishment fit the crime. If we make debarment and recoupment coterminous, then we can address a concern that I received from a constituent of mine, who said this about arts when he wrote to me in very strong terms about why we did not need content restrictions and how the Endowment should go forth unimpeded. He said:

> The history of the arts is replete with examples of art works that seem shocking and offensive to some when they first appeared, but later came to be recognized as masterpieces. The works of Michelangelo. Mozart, and Mark Twain have all come under attacks that sound frighteningly like the ones we are hearing now from Washington.

Mr. Chairman, anybody who spent any time in the arts knows that the threat of punishment and the excessive penalties will have a chilling effect on these fledgling artists that might otherwise not access the Endowment, that might not achieve the summit of their brilliance, because they were afraid of what might happen.

Mr. Chairman, I offer this amendment as an attempt to perhaps enhance the artist's rights under what is already a very just bill.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition, to the amendment, and I yield 5 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I appreciate the gentleman yielding. I rise in opposition to the Grandy amendment. I do so with a heavy heart because Mr. GRANDY has been a real soldier in passing this proposal this afternoon, the Williams-Coleman substitute, as well as defeating other amendments today, and has spoken quite eloquently. I appreciate the contribution of the gentleman to this bipartisan agreement.

What the gentleman from Iowa [Mr. GRANDY] is trying to do is take out of the Williams-Coleman proposal a 3-year minimum eligibility period for anybody whose work was found to be obscene by a court of law. Not only do they have to pay it back, we both agree on that, but the current bill requires that there be a 3-year period in which they are not eligible for any other grant.

Mr. Chairman, the gentleman from Iowa [Mr. GRANDY] would move that to be concurrent with as soon as they pay back the grant, that they would be eligible to get another one.

It seems to me that we need to have some teeth, some sanctions. That is why the 3 years are in there. I think it sends a wrong message to people at this late hour to allow them to go ahead and flaunt it, if you will, pay it back, and then not have any real penalty.

So this is kind of a no-probation, no-parole, 3-year period that we have in the bill. The gentleman from Iowa [Mr. GRANDY] would remove that.

Mr. Chairman, I would respectfully ask that the amendment of the gentleman from Iowa [Mr. GRANDY] be voted down.

Mr. GRANDY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding and for his leadership on promoting the arts in this country and in this Congress. I would also like to commend the cosponsors of the Williams-Coleman amendment for their fine work in bringing this compromise before the House.

Mr. Chairman, while I support the Coleman-Williams compromise, I believe that the Grandy amendment is necessary because we should eliminate the debarment contained in the compromise which we have just voted on.

Mr. Chairman, the gentleman from Iowa [Mr. GRANDY] has explained his amendment, but I will explain why I want to support it.

Mr. Chairman, the increasing political pressure on arts organizations and museums to monitor the work of their membership and to restrict the work that they exhibit is a disturbing trend. Mr. Chairman, why is it that we subject funding for creativity to such harsh scrutiny, when we are so profligate when it comes to funding weapons of destruction?

Mr. Chairman, this debate also points to the need for increased funding for arts education. The more our children are taught to have a fuller appreciation of artistic expression, the easier it will be for Members to support the arts in Congress.

□ 1930

By encouraging artistic expression and appreciation, we encourage creativity and compassion which is an essential part of a civilized life. Art of its nature will always evoke controversy.

I urge my colleagues not to suppress creativity. I urge them to vote yes on the Grandy amendment in the spirit of the framers of our Constitution who recognized that freedom of expression is the cornerstone of a free society.

Mr. GRANDY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, I rise in support of the Grandy amendment.

It is one thing to say that some art that was created by public funds ends up by a court of law or jury or in the judical system to be judged obscene and in violation of what is intended here, and that the organization or the individual pay the money back. That says that the particular art was bad art, it was a mistake and we are going to rectify that mistake. If we debar an organization or an individual we are really saying that not only was the art bad art or a bad mistake, we are saying that the person is a bad person or the organization is a bad organization.

We know there are a lot of museums out there who are interested in fostering art, particularly some of the more avant garde types of art. Just because they make a mistake does not mean that they are not rendering a valuable service to the artistic community and to the communities that they serve. They should not be disbarred, and they should not be required to pay the money back that is provided in the bill. I think the penalty is excessive, and there is no opportunity for adequate, in my judgment, review of the penalty. It is harsh, and I urge the support and adoption of the Grandy amendment.

I also would like to congratulate the gentleman from Iowa for all of the work he has done on this particular issue, not only on his amendment, but the support he has given to the National Endowment for the Arts.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, they should not have to pay the money back; they should not lose future grants. The Federal Government ought not to be involved in this in any way. I support the Grandy amendment and I hope it is adopted.

Mr. CARR. I thank the gentleman for his moderation.

Mr. GRANDY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Iowa, my friend. It is my understanding that under the terms here a recipient of a grant could be an organization.

Mr. GRANDY. If the gentleman will yield, that is true.

Mr. AUCOIN. My concern and the reason I then support the Grandy amendment is that I think a lot of

Members have organizations, such as I do in my district, the Oregon Art Institute, for example, where there are three distinct branches of the Oregon Art Institute. Unless the Grandy amendment passes, it could be possible that one branch might be in violation of the law, and then, because it is in violation of the law, every one of the branches, all three branches of this institute would be unable for 3 years to even apply for a grant under NEA. I think that is grossly unfair.

Mr. GRANDY. If the gentleman will continue to yield, that is absolutely correct.

Mr. AuCOIN. I thank the gentleman.

Mr. GRANDY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, under this penalty it is a "one size fits all." So again, going to the gallery in Cincinnati, which was just recently found not guilty, had the decision gone the other way that gallery would have been barred for 3 years.

Quite often a gallery is more at risk than an individual, so I think this does provide a lot of our organizations which support us and whom we support the opportunity to provide some compassion with justice.

Mr. AuCOIN. If the gentleman will yield, I support his amendment and compliment him.

Mr. GRANDY. Mr. Chairman, I urge support for the amendment.

Mr. WILLIAMS. Mr. Chairman, I yield myself the balance of my time to say to my friend from Iowa that although I am opposed to his amendment, along with the gentleman from Missouri [Mr. COLEMAN], because like him I would say we have an agreement on a bill, and the gentleman from Iowa would break a part of that agreement. So it is on that basis that I express some mild, I must admit, opposition to what the gentleman wants to do.

I say to my colleagues that as always everybody is free to vote in this Chamber any way they wish.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I accept the gentleman's invitation and I will support the Grandy amendment. I thank the gentleman.

Mr. WILLIAMS. Reclaiming my time, I would say I have some sympathy for the institutional problem of major institutions, small institutions. If the Grandy amendment is defeated, they would not be able to apply for another NEA grant for any purpose for 3 years. So I understand the gentleman's amendment and have some sympathy with it.

Again, with that, I express my opposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GRANDY] to the amendment in the nature of a substitute offered by the gentleman from Montana [Mr. WILLIAMS].

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 101-801.

AMENDMENT OFFERED BY MR. TRAFICANT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WILLIAMS, AS AMENDED

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT to the amendment in the nature of a substitute offered by Mr. WILLIAMS, as amended:

Strike the heading for title IV and insert the following:

TITLE IV—MISCELLANEOUS

Redesignate section 401 as section 403.

Insert after the heading for title IV the following:

SEC. 401. SENSE OF CONGRESS.

It is the sense of the Congress that a recipient (including a nation, individual, group, or organization) of any form of subsidy, aid, or other Federal assistance under the Acts amended by this Act should, in expending that assistance, purchase American-made equipment and products.

SEC. 402. NOTICE.

Any entity that provides a form of subsidy, aid, or other Federal assistance under the Acts amended by this Act shall provide to each recipient of such form of subsidy, aid, or other Federal assistance a notice describing the sense of the Congress stated under section 401.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Is there a Member opposed to the amendment?

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment says that if there has got to be obscenity that we should buy this obscenity in America.

This is a sense of the Congress that says anybody that gets any grants or aid through this bill, they would be encouraged by the Congress to use such funds to buy American-made goods and products.

In addition to that, it says the NEA Chairman shall make such notice without making a tremendous burden on the chairman and on our Government.

I think that we should try and reenforce and plant the seed to use American dollars for American products wherever possible. It does not force anybody. I think it is a good policy. It is an encouragement and it is consistent and persistent with efforts to try and retain our tax dollars.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we would accept the gentleman's resolution to encourage America's artists and art institutions, galleries and museums to buy American.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Arizona.

Mr. RHODES. Mr. Chairman, just a point of clarification about the amendment. If a grant applicant desires to create a sculpture or some other work of art out of Italian marble, would he necessarily be precluded from applying for a grant under this amendment?

Mr. TRAFICANT. Not at all. We encourage the recipients to buy American wherever possible, but we do not mandate it.

Mr. RHODES. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] to the amendment in the nature of a substitute offered by the gentleman from Montana [Mr. WILLIAMS], as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Bosco] having assumed the chair, Mr. MURTHA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4825) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes pursuant to House Resolution 494, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amenment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1940

The SPEAKER pro tempore (Mr. Bosco). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 76, not voting 8, as follows:

[Roll No. 449]

YEAS—349

Ackerman	Durbin	Kennelly
Alexander	Dwyer	Kildee
Anderson	Dymally	Kleczka
Andrews	Dyson	Kolbe
Annunzio	Early	Kolter
Anthony	Eckart	Kostmayer
Applegate	Edwards (CA)	LaFalce
Aspin	Engel	Lagomarsino
Atkins	Erdreich	Lancaster
AuCoin	Espy	Lantos
Ballenger	Evans	Leach (IA)
Barnard	Fascell	Lehman (CA)
Bateman	Fawell	Lehman (FL)
Bates	Fazio	Lent
Beilenson	Feighan	Levin (MI)
Bentley	Fish	Levine (CA)
Bereuter	Flake	Lewis (CA)
Berman	Flippo	Lewis (FL)
Bevill	Foglietta	Lewis (GA)
Bilbray	Ford (MI)	Lipinski
Bilirakis	Ford (TN)	Lloyd
Billey	Frank	Long
Boehlert	Frenzel	Lowery (CA)
Bonior	Frost	Lowey (NY)
Borski	Gallegly	Luken, Thomas
Bosco	Gallo	Lukens, Donald
Boucher	Gaydos	Machtley
Boxer	Gejdenson	Madigan
Brennan	Gephardt	Manton
Brooks	Geren	Markey
Broomfield	Gillmor	Martin (IL)
Browder	Gilman	Martin (NY)
Brown (CA)	Glickman	Martinez
Brown (CO)	Gonzalez	Matsui
Bruce	Goodling	Mavroules
Bryant	Gordon	Mazzoli
Buechner	Goss	McCloskey
Bunning	Gradison	McCollum
Bustamante	Grandy	McCrery
Byron	Gray	McDade
Campbell (CO)	Green	McDermott
Cardin	Guarini	McEwen
Carper	Gunderson	McGrath
Carr	Hamilton	McHugh
Chandler	Harris	McMillan (NC)
Chapman	Hatcher	McMillen (MD)
Clarke	Hawkins	McNulty
Clay	Hayes (LA)	Meyers
Clement	Hefley	Mfume
Clinger	Hefner	Michel
Coble	Henry	Miller (CA)
Coleman (MO)	Hertel	Miller (WA)
Coleman (TX)	Hoagland	Mineta
Collins	Hochbrueckner	Mink
Conte	Hopkins	Moakley
Conyers	Horton	Molinari
Cooper	Houghton	Mollohan
Costello	Hoyer	Montgomery
Coughlin	Huckaby	Moody
Courter	Hughes	Morella
Coyne	Ireland	Morrison (WA)
Crockett	Jacobs	Mrazek
Darden	James	Murphy
Davis	Jenkins	Murtha
de la Garza	Johnson (CT)	Myers
DeFazio	Johnson (SD)	Nagle
Dellums	Johnston	Natcher
Derrick	Jones (GA)	Neal (MA)
DeWine	Jones (NC)	Neal (NC)
Dicks	Jontz	Nelson
Dingell	Kanjorski	Nielson
Dixon	Kaptur	Nowak
Donnelly	Kasich	Oakar
Dorgan (ND)	Kastenmeier	Oberstar
Downey	Kennedy	Obey
Olin	Roukema	Stark
Owens (NY)	Rowland (GA)	Stearns
Owens (UT)	Roybal	Stokes
Oxley	Russo	Studds
Packard	Sabo	Swift
Pallone	Saiki	Synar
Panetta	Sangmeister	Tallon
Parker	Savage	Tanner
Parris	Sawyer	Tauke
Pashayan	Saxton	Thomas (CA)
Patterson	Schaefer	Thomas (GA)
Paxon	Scheuer	Thomas (WY)
Payne (NJ)	Schiff	Torres
Payne (VA)	Schneider	Torricelli
Pease	Schroeder	Towns
Pelosi	Schulze	Traficant
Penny	Schumer	Traxler
Perkins	Serrano	Udall
Pickett	Sharp	Unsoeld
Pickle	Shaw	Upton
Porter	Shays	Valentine
Poshard	Sikorski	Vento
Price	Sisisky	Visclosky
Pursell	Skaggs	Volkmer
Quillen	Skeen	Walgren
Rahall	Slattery	Walsh
Rangel	Slaughter (NY)	Washington
Ravenel	Smith (FL)	Watkins
Ray	Smith (IA)	Waxman
Regula	Smith (NE)	Weldon
Rhodes	Smith (NJ)	Wheat
Richardson	Smith (TX)	Whittaker
Ridge	Smith (VT)	Whitten
Rinaldo	Smith, Denny (OR)	Williams
Ritter		Wise
Roberts	Snowe	Wolf
Roe	Solarz	Wolpe
Rogers	Spence	Wyden
Ros-Lehtinen	Spratt	Yates
Rose	Staggers	Yatron
Rostenkowski	Stallings	Young (FL)
Roth	Stangeland	

NAYS—76

Archer	Gibbons	Ortiz
Armey	Gingrich	Petri
Baker	Grant	Robinson
Bartlett	Hall (TX)	Rohrabacher
Barton	Hammerschmidt	Sarpalius
Bennett	Hancock	Sensenbrenner
Burton	Hansen	Shumway
Callahan	Hastert	Shuster
Campbell (CA)	Herger	Skelton
Combest	Hiler	Slaughter (VA)
Condit	Holloway	Smith, Robert (NH)
Cox	Hubbard	
Craig	Hunter	Smith, Robert (OR)
Crane	Hutto	
Dannemeyer	Hyde	Solomon
DeLay	Inhofe	Stenholm
Dickinson	Kyl	Stump
Dornan (CA)	Laughlin	Sundquist
Douglas	Leath (TX)	Tauzin
Dreier	Lightfoot	Taylor
Duncan	Livingston	Vander Jagt
Edwards (OK)	Marlenee	Vucanovich
Emerson	McCandless	Walker
English	McCurdy	Weber
Fields	Miller (OH)	Weiss
Gekas	Moorhead	Young (AK)

NOT VOTING—8

Boggs	Morrison (CT)	Wilson
Hall (OH)	Rowland (CT)	Wylie
Hayes (IL)	Schuette	

□ 1959

Mr. ENGLISH and Mr. SLAUGHTER of Virginia changed their vote from "yea" to "nay."

Mr. VOLKMER and Mrs. BYRON changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2000

PERSONAL EXPLANATION

Mr. PARRIS. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall vote 443 on the Gallo motion to instruct D.C. conferees. Had I been here I would have voted "aye".

On rollcall vote 444, the rule on the Civil Rights Act, had I been present I would have voted "aye".

On rollcall vote 445, the rule to recommit the civil rights measure, had I been present I would have voted "aye".

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent for rollcall No. 444, House Resolution 477—the rule to consider the conference report of the Civil Rights Act of 1990; rollcall No. 445, a motion to recommit with instructions; rollcall No. 446, the Crane en bloc amendments to NEA; rollcall No. 447, the Rohrabacher en bloc amendments to NEA; rollcall No. 448, the Williams amendment to NEA; and rollcall No. 449, final passage of NEA.

Had I been here, I would have cast the following votes: "aye," "nay," "nay," "nay," "nay," "aye," and "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4825, ARTS HUMANITIES, AND MUSEUMS AMENDMENTS OF 1990

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4825, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending H.R. 4825, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Montana?

There was no objection.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4825, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5803, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-849) on the resolution (H. Res. 501), waiving all points of order against the bill (H.R. 5803) making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other pur-

poses, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3960, COLORADO RIVER STORAGE PROJECT AUTHORIZATION INCREASE

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-850) on the resolution (H. Res. 502) providing for the consideration of the bill (H.R. 3960) to increase the amounts authorized to be appropriated for the Colorado River Storage Project, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4939, EXTENSION OF MOST-FAVORED-NATION TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-851) on the resolution (H. Res. 503) providing for the consideration of the bill (H.R. 4939) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule 1, the Chair announces that he will postpone further proceedings today on each motion to instruct conferees on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate on both motions.

MOTIONS TO INSTRUCT CONFEREES ON S. 2830, AGRICULTURAL PRICE SUPPORT AND RELATED PROGRAMS EXTENSION

Mr. SYNAR. Mr. Speaker, I offer a privileged motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SYNAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill, S. 2830 (the 1990 Farm bill) be instructed to insist upon at a minimum the provisions contained in subtitle G of title XIV of the House amendment relating to pesticide export reform and to accept the provisions contained in sections 1761 and 1762 of the Senate bill relating to revocation of food tolerances for banned pesticides.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. SYNAR] will be recognized for 30 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct simply instructs the House conferees to insist upon, at a minimum, the House provisions of H.R. 3950, the farm bill, relating to pesticide export reform. In addition, this motion instructs the House conferees to accept the Senate bill's provisions, sections 1761 and 1762, relating to the revocation of food tolerances for banned pesticides, a provision dropped at the last minute solely because of jurisdictional problems.

Mr. Speaker, the House has already spoken on the issue of pesticide export reform. As you know, along with Congressman PANETTA and GLICKMAN, I introduced the Pesticide Export Reform Act of 1990 which required that export of banned and unregistered pesticides be prohibited. However, after extensive negotiations with the Agriculture Committee and others, a compromise agreement was reached and successfully passed the House on August 1.

The House provision deals with the circle of poison issue by prohibiting the export of pesticides banned in the United States. Under the House provision, the export of unregistered pesticides is subject to a new regulatory framework designed to ensure that unregistered pesticides are tested for health and safety effects and do not present an unreasonable risk to public health. In addition, to be exported, pesticides which are unregistered in the United States must be registered in at least one OECD country. A practical method to detect pesticide residues also must exist for these pesticides before export so that traces of these substances do not find their way onto American dinner tables.

The merits of these provisions are clear. Pesticides must have either a registration or a tolerance in order to be used in the United States. However, unregistered chemicals will likely find their way to the United States in the form of residues on imported products, since the Food and Drug Administration has the resources to inspect only 1 or 2 percent of imported products. We must insure that chemcials that may find their way back to American dinner tables do not represent an unreasonable risk to human health.

In addition to protecting the health of American consumers, the amendment provides a level playing field for U.S. farmers who must compete against foreign agriculture products grown with pesticides they are not allowed to use here at home.

Senator LUGAR has informed the conference that he intends to introduce an amendment which would seriously weaken both the House and Senate versions.

Among other things, Senator LUGAR's amendment will do away with the provisions requiring health and safety testing of unregistered pesticides prior to export. Senator LUGAR contends that, so long as a pesticide is registered in any OECD country, export should be allowed no matter how weak that country's program might be. We disagree. The purpose behind requiring EPA evaluation of health and safety data for unregistered pesticides is to ensure that consumers are protected against unreasonable risk. Abandoning such a risk determination by EPA is irresponsible and inconsistent with the views previously expressed by the House. Furthermore, the EPA health and safety evaluation acts as a safety net, should an OECD registration scheme weaken over time. Some OECD countries, including Turkey, still have registrations on the books for pesticides which have been determined in the United States to pose serious risk to public health and safety. Without the health and safety determination by EPA, such harmful chemicals could be exported, thus presenting a danger to American consumers of imported food products.

The House amendment also requires that, prior to export, the country of use gives its prior informed consent to receiving unregistered pesticide. Under the House amendment, information on the active ingredient in the pesticide, as well as health and safety concerns that the United States has about the pesticide, are forwarded to the receiving country so that an informed decision will be made. In addition, the country of use must provide the United States with written consent to receipt of pesticide. The importance of this provision is clear. We should not force a country to receive a pesticide that it doesn't want and the country should receive this information in advance of shipments.

Senator LUGAR's amendment would remove the requirement for an affirmative response by a country of use prior to export. This clearly contradicts both the prior informed consent provisions endorsed by the House, as well as the prior informed consent provisions of the Senate bill. We should insist upon the House provisions regarding prior informed consent.

Both the House amendment and the Senate bill require extensive reporting and notification procedures prior to the shipment of unregistered pesticides for large-scale research or experimental use. The reporting provisions require that the exporter include in-

formation describing the proposed experimental activity, as well as a certification by the exporter that the pesticide will be used only for experimental purposes, and will not be used for non-experimental commercial purposes. The House amendment also requires that the country of use consent in advance to the shipment of these R&D pesticides. Senator LUGAR's amendment deletes all of the House provisions requiring reporting and notification to the country of use on unregistered pesticides being exported for research and development purposes. Clearly, this undermines the House's prior efforts to ensure that the country of use has as much information as possible to make an informed decision on whether to allow import of the pesticide.

This motion also instructs the House conferees to accept the provisions contained in sections 1761 and 1762 of the Senate bill, relating to revocation of food tolerances for banned pesticides. As originally introduced in the House, H.R. 4219 included a comprehensive statutory plan for the prompt revocation of food tolerances for banned pesticides. Too often, EPA has delayed cancelling a food tolerance, therefore allowing a dangerous pesticide to be present on food imports long after its domestic uses were cancelled. For example, EPA barred U.S. farmers from using DDT in 1972, but waited 14 years to cancel DDT's food tolerance and to make it illegal to be on imported food. Because of jurisdictional questions, the tolerance revocation provisions were not included in the House farm bill, although they are present in the Senate version. Tolerance revocation for banned pesticide makes good sense and is long overdue. The conference committee should include the Senate provisions in the final farm bill.

Finally, the House amendment was a delicate compromise arrived at after several days of intense negotiation with interested members of the House Agriculture Committee, including Mr. STENHOLM, and Mr. OLIN. If I had offered my original bill, identical to its Senate companion, there would have been no issue for the conference to discuss. Instead, we negotiated in good faith with our colleagues to arrive at the House version.

I strongly urge my colleagues to support this motion to instruct the conferees. The motion provides a level playing field for U.S. farmers and protects the health and safety of U.S. consumers. Anything less will not break the circle of poison.

□ 2010

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. I thank the gentleman for yielding.

Mr. Speaker, I asked to be yielded to for the purpose of inquiring: Would this apply to pesticides used in nonfood products? For example, if a company A manufactures paint and uses a particular pesticide to prevent the growth of certain fungus in that paint, would that company, that pesticide, that paint be affected?

Mr. SYNAR. The gentleman from Pennsylvania makes an interesting point, one with which I am particularly concerned because it does not apply to foodstuffs. We are going to work with the gentleman in this conference to make sure that the particular situation he is trying to address will be taken care of.

Mr. KOSTMAYER. And so is it fair to say that pesticides used in nonfood products are not affected here and the gentleman's intentions do not apply to pesticides in nonfoodstuffs?

Mr. SYNAR. To the extent they are affected, we want to work out the problem that the gentleman has in his particular district.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. SYNAR. I yield to the chairman of the Committee on Agriculture, the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, we have no problem. The Committee on Agriculture is not the culprit in this endeavor. The gentleman should be making his presentation to the other body, to the other conferees and not here.

But the gentleman just made a reply that negates what the gentleman is trying to do, because if you instruct the Committee on Agriculture, then you cannot help Mr. KOSTMAYER negotiate and improve on the issue in the conference. So either you go one way or you go the other.

Mr. SYNAR. As the gentleman is aware, there is a report language in every conference report which will allow us some leeway with respect to the particular problems the gentleman from Pennsylvania has just inquired about.

Mr. KOSTMAYER. If the gentleman would yield further, I am very sympathetic with what my friend from Oklahoma wants to do. But I do not think we want to penalize companies in America that manufacture pesticides that are in fact used in nonfood products such as the example I gave, paint. If the gentleman could just make it a little bit clearer to me that that is not his intention.

Mr. SYNAR. It is our intention to try to cover those products which cover the safety and health of not only our own citizens but citizens abroad. And the gentleman's particular problem has been presented to us. We are concerned about it. We would like to work with the gentleman to try to alleviate that problem.

Mr. KOSTMAYER. If I may ask a second question?

Mr. SYNAR. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, the gentleman said this would apply to pesticides which had been banned in the United States and to pesticides which had not been registered in the United States. Would it apply to pesticides manufactured by companies which had in fact not applied for registration?

Mr. SYNAR. Under the legislation, both the House and the Senate versions, three things would happen: We would ban the export of any pesticide which is banned in this country. An unregistered pesticide which has been approved by an OECD country or European Community country would have the opportunity, combined with an EPA review on health and safety of that product, to be allowed to be exported. If it is an unregistered pesticide, then that pesticide would have to come back for a bridge review within the next 3½ years, which this bill provides for.

Mr. KOSTMAYER. Just to clarify a bit further: If a company in the United States wants to sell a particular pesticide abroad, that their market is not in the United States, therefore they have never attempted to register the product in the United States, would that company be banned from exporting?

Mr. SYNAR. They would not be banned from exporting the product. They would have to go through the process of registration because they would not be able to export an unregistered pesticide.

Mr. KOSTMAYER. Let me just say to the gentleman that while I want to be sympathetic, it is very expensive for a chemical company to have to register its product in the United States. If it is making a product which it has no intention of selling in the United States, I wonder why it would be necessary to register this product in the United States.

Mr. SYNAR. I think the gentleman asks an interesting question. That is the whole purpose of trying to do this legislation, which is to break the circle of poison.

Through investigations on my Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations, which I chair, we have found that in both banned and unregistered pesticides which in this country have been banned or are unregistered, they have been exported out of this country, put on products, both animal and vegetables and other consumable items, and shipped back into this country, exposing our own consumers.

Without breaking this circle of poison, we do not solve the problem of unlimited exposure by registering the product.

Mr. KOSTMAYER. What the gentleman says applies only to pesticides used in food products, not in nonfood products.

Mr. SYNAR. One of the reasons for the legislation is not only food products but to protect the safety and health of people both here and abroad who would not only consume the items but would be asked to apply the items.

Mr. KOSTMAYER. I am very sympathetic with the gentleman from Oklahoma, and if he will assure me he will try to work—I am a conferee—if he will assure us he will try to work with us to be fair, I will sit down and be quiet.

Mr. SYNAR. The gentleman from Pennsylvania is a long-time, dear friend, and it is every intention of the gentleman from Oklahoma to work with him on this issue.

Mr. KOSTMAYER. I thank my friend from Oklahoma.

Mr. SYNAR. Mr. Speaker, I reserve the balance of my time.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think in the interest of informing Members, I had thought that the Speaker had announced that these votes would be put off until tomorrow. That is not the case. These votes will be after both motions.

We are expecting a vote. Under that circumstance, I am going to try to be very brief, but we do have four or five people who wish to be heard on this issue.

Mr. Speaker, I rise in opposition to the gentleman's motion to instruct the conferees.

In both the Senate and House versions of the 1990 farm bill there do exist several provisions which in various ways restrict or prohibit the exportation of pesticide chemicals that are manufactured in this country.

The language in H.R. 3950 was included by way of an amendment offered on the House floor by the gentleman from Oklahoma.

I want to make three points:

First, the House Committee on Agriculture and the House as a whole had very little time to discuss and debate the merits of this particular legislation which the gentleman's motion does address.

Second, Mr. OLIN, who worked with the gentleman from Oklahoma in drafting the final version of the legislation at issue, noted at the time the amendment was offered, and the language was not perfect, that there remained areas of concern that deserve and require further consideration.

At that time there was no apparent disagreement on that point. In fact, as indicated in the CONGRESSIONAL RECORD of August 1, the gentleman from Oklahoma stated that some issues needed real clarification with respect to technical-grade pesticide chemicals.

I quote the gentleman from Oklahoma: "If further clarification is needed, it will be provided for in conference."

□ 2020

Third, it is painfully obvious that the chemical export provisions in both the House and Senate portion of the farm bill would be seriously flawed, and final passage of those provisions, without some modifications, will mean the elimination of thousands of highly skilled, well-paying jobs without any apparent contribution to the quality and the wholesomeness of this Nation's food supply. I want to emphasize that.

Also, Mr. Speaker, I would like to note that the administration's most recent expressed position is in opposition to the amendment of the gentleman from Oklahoma [Mr. SYNAR] by way of letter to the chairman of the conference, Senator LEAHY. That letter was signed by both Mr. William Reilly, who is the administrator of the EPA, and Secretary Yeutter of the U.S. Department of Agriculture. I have here with me also a letter from Carla Hills, who is our Trade Representative. All three have indicated their opposition in their letter to Senator LEAHY. They point out the need for additional modifications to the House and Senate language and urge the conference committee to consider adopting their specific recommendations.

Mr. Speaker, let me quote a sentence from that letter, if I might.

> We believe that these changes could lead to real gains in public health abroad and food safety at home without major damage to the U.S. chemical industry and the jobs that it does support. Without these modifications, and with this instruction, that simply will not take place.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I guess, since I have been chairman of the Committee on Agriculture, this is the first time that we are faced with a option to instruct conferees. But, as I stated in my earlier comments to our distinguished collegue from Oklahoma, the House Committee on Agriculture is not the culprit. The statements which the gentleman from Oklahoma was making to a Senator, those activities should be made in the other body, not here, because we in good faith negotiated an amendment during the farm bill that was adopted. And it has been, is, and will remain the objective of the Committee on Agriculture in the House to maintain that position.

So, Mr. Speaker, I feel somewhat aggrieved that the gentleman with whom we negotiated in good faith now is attempting to instruct us when there has not been any change in the position, and I say that as chairman of the committee with activities that occurred in the other body.

So, I think possibly that any concern for sending a message; the message needs to be sent some other place, and we are taking the time of the Members at this late hour for something that does not need to be done because our position has not changed.

Mr. Speaker, there are three committees involved: The Committee on Foreign Affairs, the Committee on Energy and Commerce, and the House Committee on Agriculture. All three committees in this endeavor have not changed their position, and all three committees still maintain that the House position should be maintained.

Mr. Speaker, here is what will happen if we instruct, which is contrary to the wishes of my distinguished colleague from Oklahoma, because we have been advised by EPA that the review process in the House bill is not workable as written, and we might have to refine. I would hope that, if that be the case, we could work with the gentleman from Oklahoma and work with the other committees involved to try and address that issue. We cannot if we accept this mandate.

So, Mr. Speaker, I say to my colleagues, "Either you do or you don't," because we want to continue working, but, as the provision says, we are instructed to insist upon at a minimum the provisions contained in the House amendment, which I do not know what a minimum is, we still have areas of scope in the process, and I would like to continue working with the gentleman, and we have a member of our committee, the gentleman from California [Mr. PANETTA] that is a cosponsor and very involved, and I would like to continue working with him.

However, Mr. Speaker, I am somewhat aggrieved that, when we have dealt in good faith, when we say our position has not changed, it will not change. If we can work together to make this better within the scope, a better amendment, then we would do so.

So, we are taking the time here to send a message that probably should be delivered at another forum and not here, and I guess I am somewhat emotionally involved because this is the first time since I have been chairman, since 1981, that there is a motion to instruct the committee, and that scmehow, I feel, challenges our responsibility, or challenges our commitment, or, in this case, challenges our integrity when I committed, and the chairman of the subcommittee involved committed, to support the

House version. One does not feel good about that.

In addition, I hate to ask the Members to vote no because I want to work with my distinguished colleague and friend from Oklahoma, but it is something that should not have been done and probably should not be done because it could conceivably tie our hands to the point where we cannot work with him, and, as I mention again and at the risk of repeating myself, this is the first time it has ever been done, and I think that the challenge is not only the integrity, but the dedication of, not only the chairman, but of the members of the committee that have, in fact, committed themselves to this endeavor.

Mr. Speaker, I very respectfully and somewhat reluctantly ask Members to vote "no" on this motion: first, because it is not needed; second, because the good faith is there to continue working, and it is something that will be against the record of the Committee on Agriculture that we had to be instructed contrary to the activity that we were doing in good faith.

Mr. ROBERTS. Mr. Speaker, I thank the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA] for his contribution, and I yield 2½ minutes to my friend and colleague, the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. First of all, Mr. Speaker, I would like to ask the gentleman from Kansas [Mr. ROBERTS] a question.

If this is a case of sensationalism, I have never seen one. This one does the trick. It erodes the confidence that the American people have in our system of safety. It also erodes the confidence that our foreign buyers have in the products that we grow in the United States of America. This kind of sensationalism must come to an end.

Mr. Speaker, we have a system of safety that is unparalleled, and I am sure that the gentleman from Kansas [Mr. ROBERTS], my colleague on the committee, has some information with regard to that safety.

When we test our food, USDA does a lot of tests. What percent of that food tests safely?

Mr. Speaker, I think this is the bottom line of the issue because they are using this circle of poison.

What percent tests safely?

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, I will tell the gentleman from Montana [Mr. MARLENEE] that the Food and Drug Administration recently released a report that found that 99 percent of U.S.-grown food and 96 percent of imported food tested in 1989 either was free from pesticide residues or contained residues within very strict limits as set by tolerance.

Mr. MARLENEE. So, Mr. Speaker, 96 percent—98 percent of the food that we have tests below any very strict tolerances that we have set.

Mr. ROBERTS. The gentleman from Montana [Mr. MARLENEE] is correct, and I want to assure him and the Members, in association with what the chairman has indicated, that we are working and the conference committee will work very hard to fine-tune a proposal that will provide even greater assurance to the American people.

□ 2030

Mr. MARLENEE. Mr. Speaker, I rise in opposition to this motion. "Circle of poison," what a phrase. We can all go back to our districts and say, "Yes, I voted to break the circle of poison."

Now, that is an nice sound bite, and it sounds like we can solve problems with that. But, Mr. Speaker, this Congress and our success here is predicated on solving problems, so they have got to find something, and "circle of poison" is one of those somethings. But when the cameras stop rolling, that sound bite will not note that instead of exporting agricultural chemicals, we will be exporting American jobs. That sound bite will not tell wheat producers in my district that while wheat drops from $4 a bushel to $2 a bushel, that this motion will cause their chemicals to rise in price by 15 percent, as well as all of the other chemical products in the United States of America, whether used on lawns or gardens. You are going to see an increase because of this.

That sound bite won't tell the American consumer that this motion won't stop the very few cases where there are pesticide residues on food.

Sound bite legislation that solves no problem—that is all we are engaged in today.

Mr. Speaker, I can appreciate the concerns of the gentleman. What he seeks to do is ensure that American consumers don't buy and eat imported food that has pesticide residue. But he seeks to do this by saying American manufacturers cannot export chemicals unless our Government has approved them for use in the United States. There is no earthly reason for companies to go through the difficulties of getting that approval if the compound is not used in the United States. American manufacturers can simply move their operations offshore. In addition, let us not forget, foreign farmers can buy those chemicals from foreign manufacturers.

The Food and Drug Administration recently released a report which found that 99 percent of U.S.-grown food and 96 percent of imported food tested in 1989 either were free from pesticide residues or contained residues within very strict tolerance limits. We are getting very close to having a food supply as safe as is humanly possible. And I can assure my colleagues that as a member of the conference committee, we are working hard to fine-tune a proposal which will provide even greater assurance to the American consumer. This proposal does not do that.

The circle of poison is bad science and this motion is bad legislation.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the subcommittee which has jurisdiction over this matter.

Mr. BROWN of California. Mr. Speaker, I express my thanks to the distinguished gentleman from Kansas for yielding. I really do have mixed emotions about this situation, because as far as the subject matter of making the American food supply the safest in the world and reducing the use of chemicals in American agriculture, I probably represent the most extreme view on the Committee on Agriculture of any of its members.

With regard to the thrust of what the gentleman from Oklahoma [Mr. SYNAR] wishes to achieve, I think I am in fairly substantial agreement with him. But I differ with the gentleman with regard to the procedure that is being followed here.

As the chairman of the Committee on Agriculture indicated, it will be the intention of the conferees, of which I am one, to uphold the House position in the most effective way that we can.

With regard to accepting the Senate position, we are going to have some problems there. Those problems are the same problems that we had when it came to accepting or taking up language with regard to tolerances in the House.

The subject of tolerances is dealt with in the Food, Drug, and Cosmetics Act, not in the farm bill, and it would not be in order to consider such amendments in the farm bill when it came up in the House.

Obviously, the Senate is not bound by similar rules and can put language of this sort into their bill, and have done so and have done similar things with regard to other legislation.

Mr. Speaker, what the gentleman from Oklahoma [Mr. SYNAR] seeks to do here is to follow the lead of the Senate in circumventing the rules of the House with regard to procedure. Now, even with regard to the issue of chemicals and the export of chemicals, this is a matter more properly within the jurisdiction of the statute that we call FIFRA, the Federal Insecticide, Fungicide, and Rodenticide Act. I can assure Members that the subcommittee which I chair is working diligently to revise that act and to include the kind of rational restrictions which will be good for the safety of the American

consumer, but keeping in mind also the needs of the American farmer and the American chemical industry.

Mr. Speaker, one of the effects the proposal of the gentleman from Oklahoma [Mr. SYNAR] is undoubtedly going to be is to force many American chemical companies to begin to manufacture chemicals which they distribute overseas and not in the United States, but manufacture in the United States, just to move those plants overseas. We will therefore be exporting substantial numbers of American jobs if we adopt the provisions of the language which is proposed by the gentleman from Oklahoma [Mr. SYNAR].

Mr. Speaker, for these procedural grounds, I have to object to what the gentleman is trying to do, although I reiterate what the chairman of the full committee said, we are prepared to work closely with him in strengthening the laws to the fullest extent possible.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, a couple of things here: No. 1, none of us want to see dangerous pesticides or insecticides that are not legally sold in this country sold in other parts of the world. We are not interested in making those kinds of exports.

No. 2, none of us in this country are interested in seeing food coming to us from other countries tainted by insecticides or pesticides that can somehow be harmful to us and to our families.

Having said that though, let me make point No. 3: point No. 3 is that none of us want to see jobs in the chemical industry, particularly jobs in research and development, where they are trying to come up with safer kinds of insecticides and pesticides, exported to other nations.

Mr. Speaker, we are on the verge of recession in this country. We have seen in recent years the export of jobs, higher paying, more technical jobs, leaving our shores and going to other nations.

My concern and my fear is if we are not careful, the same thing is going to happen in this industry that has happened in other industries.

Mr. Speaker, there is a perverse incentive in this motion to instruct conferees before us to simply move those chemicals industry jobs, including research and development, overseas. The provision before us would effectively eliminate pesticide research and development in this country that might involve testing in overseas labs. Do we want to do that? I do not think we do.

The motion to instruct before us would jeopardize thousands of jobs in this Nation, and would also jeopardize our leadership in the development of newer and safer pesticides.

Mr. Speaker, I have no quarrel with the overall goal or desire here of the author of this motion to instruct. My concern is the way it is being pursued. That is the problem.

It is one thing to wisely prevent the export of harmful chemicals; it is quite another to virtually paralyze our efforts to develop safer ones. I believe the conferees have the ability with the proposals before them to reach a reasonable goal. I recommend that we allow the conferees the flexibility that they need to do the job. As a result, I will vote against this motion to instruct.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I, too, would ask the Members to vote against this. As the gentleman says, it does mean the possible export of jobs. I have one of these plants in my hometown. We presently manufacture for export limited use pesticides. They are planning to bring in, American Cyanamid, additional ones, like one they are talking about that would have a limited use in the country of Japan as a pesticide on Japanese rice.

Mr. Speaker, if they have to go through the registration process, they are not about to do that. Japan does not permit that to come in without their approval. They are not going to do anything to hurt their own citizens. What this amendment would do is say you have to go before EPA, go through the whole registration process, for that limited use pesticide.

Mr. Speaker, American Cyanamid is going to go to one of their plants overseas. They will make it there. So will Dow, so will Monsanto, and so will all the rest of them. They will go overseas to their plants. They have plants overseas. They will make them there.

Mr. Speaker, these pesticides are approved by these countries for the use in those countries. Why do they have to be registered in this country when they are not going to even be used in this country.

Mr. ROBERTS. Mr. Speaker, I reserve the balance of my time.

Mr. SYNAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all with respect to the gentleman from Missouri [Mr. VOLKMER], we have investigated the four pesticides made in Missouri. The only limitation that they will have is that they will have to get prior informed consent from the countries they are importing to. They will not have to go through registration, nor will they do health and safety.

Second, with respect to jobs, let us make the record very clear. This is not going to cost American jobs because these products are in very expensive plants and it is not financially efficient for them to move them offshore.

Mr. Speaker, finally, if this is sensationalism, if protecting the health and safety of not only the people who apply these products, as well as the people who can potentially consume them is sensationalism, then I plead guilty to that.

□ 2050

We only inspect 1 to 2 percent of the food products that are imported into this country, which means that 98 percent of the food products are not investigated or inspected, and that is why this circle of poison amendment is so important.

I want to personally apologize to the gentleman from California and the gentleman from Texas, two of my dearest friends in the House. These instructions are in no way a condemnation of the work of the Agriculture Committee or the subcommittee chairman or the committee chairman. It is indeed, as the chairman of the Agriculture Committee said, an attempt to send a message to our colleagues on the other side of the building.

The instruction was specifically written to say that at a minimum we should insist upon the House strength and version of the bill. That gives us plenty of opportunity to take care of the gentleman from Pennsylvania, who spoke earlier, and the problems and concerns he has with respect to the bill. It allows us to do the fine-tuning, but it does not allow us to accept the Lugar amendment which not only guts the House and Senate version and goes way beyond the scope, but it weakens the very essence of what we are trying to do.

I ask my colleagues, in order to try to protect our version, to protect the safety and health of millions of Americans as well as people abroad, to vote with me on the instruction.

Mr. Speaker, I yield back the balance of my time.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, and I will make it very brief, I want to echo the statements by my distinguished chairman of the subcommittee of the House Agriculture Committee with regards to the issue of food safety. We should be doing this under the Federal Insecticide, Fungicide and Rodenticide Act reauthorization.

We have a comprehensive food safety bill. We can address the concerns of the gentleman from Oklahoma at that particular time.

I have many letters that have come to my office, and many other Members in this Congress have received letters from various companies that say in effect that, with all due respect to the gentleman from Oklahoma, he is wrong. I have a letter here from Chem

Design Corp., in Massachusetts, which was sent to our colleague, RICHARD NEAL, in regard to a $5.5 million contract for a pesticide sold in Europe. It is not sold in this country. It has been canceled and the business went to a European firm.

That is part of the concern that we are talking about. All we ask is for the opportunity to modify this if we can in the farm bill conference, and we will address it. We will address the food safety issues when we reauthorize FIFRA as of the next year, and we will be working closely with the gentleman from Oklahoma [Mr. SYNAR], the gentleman from California [Mr. BROWN], and myself and the gentleman from Texas [Mr. DE LA GARZA].

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion to instruct conferees offered by the gentleman from Oklahoma [Mr. SYNAR].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SYNAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed until after debate on the second motion to instruct conferees.

Mr. DURBIN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DURBIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 2830, be instructed to insist upon the provisions of section 1399 of the House amendment.

THE SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. HOPKINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I join my colleague from Oklahoma in apologizing for the fact that this came up so late in the session. We attempted to hold this over until tomorrow, but unfortunately there was some concern that there might be too many items on the calendar tomorrow, so we were asked to argue these motions this evening.

I also might say to my colleagues in the House this is the first time I have ever filed a motion to instruct conferees, and I hope it is the last, and I am sure others do too.

This does not reflect in any way upon the Agriculture Committee of the House, on which I served for 2 years, nor any of the conferees who are working hard to produce a farm bill.

I might say at the outset that the amendment which is being considered this evening is the so-called Durbin-Chandler amendment. This amendment authorizes the Extension Service to conduct a program of public education on the hazards of tobacco use and the advantages of quitting or not starting smoking. It authorizes an amount of $10 million to be spent, and it asks that a special emphasis be placed on reaching children and minorities with the message that tobacco use is unwise.

I might say at the outset that we asked the Extension Service to work with the Federal Office of Smoking and Health. When this amendment came before the House of Representatives during consideration of the farm bill I was advised by the chairman of the House Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA], as well as the minority spokesman on that committee from our State of Illinois [Mr. MADIGAN], that they would support the amendment in conference. I have no reason to believe that they have not and will not.

I was also advised by my colleague, the gentleman from North Carolina [Mr. ROSE], that he would acquiesce in this amendment in conference, and we proceeded along.

The difficulty we ran into is that another committee in the House asserted jurisdiction on this issue. They were successful in having conferees appointed, and at this point the future of this amendment is in doubt. That is the only reason I am asking for this motion to instruct conferees, not to communicate to my friends on the Agriculture Committee, but rather to the Members of the House and those on the other committee as to the support for this issue.

Let me be very brief in describing it. We understand in America we have a serious problem. Today in the United States of America 3,000 teenagers started smoking. The net result of this, many years down the line, is that these young men and women will be more likely to contract emphysema, lung cancer, heart disease and stroke.

We also know that it is more likely that the minorities in American society are more likely to take up the smoking habit, particularly African Americans and Hispanic Americans.

The Extension Service is a perfect vehicle to start what would be the most substantial public education campaign at the Federal level to convince young people not to start smoking. The net result of it will save lives. It will avoid disease. It will avoid the necessity of medical costs down the line. It is a worthy investment.

If Members think it is too much money, let me advise them that today in America the tobacco companies will spend over $10 million trying to recruit young smokers and to recruit young people to take up the habit. We are talking about spending $10 million in the course of 1 year to try to fight that information campaign from the tobacco companies. That is why I believe this amendment is so important.

Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. CHANDLER], my cosponsor of this amendment.

Mr. CHANDLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I simply want to commend the gentleman from Illinois for his leadership and join him and my colleague from the State of Washington in support of this amendment.

This is not only a children's issue, but also a minorities' issue. In America, 29 percent of adults over the age of 20 currently smoke cigarettes; 34 percent of black Americans smoke and more than 40 percent of Hispanic males smoke.

If Members want to see the results of smoking, visit the old soldiers' home in my district some day and look at the emphysema, lung cancer, and other problems caused by years and years of smoking.

Let us stop it. Let us try to get some money to educate our young people so that they understand what is going to happen, that they will look exactly like those old men suffering from those hideous diseases if they take up this habit and continue it.

I commend this motion to instruct to my colleagues, and I thank the gentleman for yielding.

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Mr. DURBIN. Mr. Speaker, I thank my colleague, the gentleman from Washington for his support.

Mr. Speaker, I reserve the balance of my time.

Mr. HOPKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion. The particular issue the gentleman raises is currently under consideration by the conferees on the 1990 farm bill. In fact, it is not a topic of dispute causing delay in the final report of conference.

The bill itself, Mr. Speaker, is mammoth. The House version of the omnibus farm bill contains over 25 titles and more than 1,100 pages of text. The Senate bill has a similar number of titles with over 1,700 pages of text. It should not unduly concern Members that the conference has taken more than 20 calendar days to conclude since the appointment of the Speaker's conferees. The conference is moving forward and issues are being resolved.

Mr. Speaker, I do not believe this instruction is either well considered or appropriate. It is a counterproductive action that handcuffs the freedom of conferees appointed by the Speaker to resolve differences in the two bills.

Mr. Speaker, the Department of Health and Human Services already devotes substantial funds for smoking and health activities. In fiscal 1989, HHS spent nearly $78.5 million through public health agency programs. In the 1991 budget request, HHS would budget about $85 million.

Gallup polls already indicate that well over 90 percent of the American population is aware of the issue.

The Surgeon General acknowledged that there are 41 million former smokers in the United States—90 percent of whom quit without any assistance. Farmers don't go to the extension service for a lecture, they go for solid farm program information.

The point is clear: This item is not holding back conclusion of the conference sessions and the conference does not need a last minute directive to upset the Speaker's delegation in bringing together a bill that will serve agriculture and the Nation.

Mr. Speaker, I urge Members to vote against the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield 2½ minutes to my colleague, the gentleman from the State of Washington [Mr. MCDERMOTT], a medical doctor.

Mr. MCDERMOTT. Mr. Speaker, every year smoking kills 390,000 Americans, seven times as many as we lost in the Vietnam war, four times as many as we have lost to AIDS. Every year tobacco kills 65 times as many Americans as heroin and cocaine. Every day, 10,000 Americans die of lung cancer, heart disease, emphysema, and other illnesses that tobacco causes. In the 2-year life of a Congress, smoking kills more people nationwide than the population of the average congressional district. The Washington State Department of Health found that smoking directly causes one out of every five deaths in our State.

Pick up any magazine and see the tobacco industry marketing death to our kids. It spends $2.4 billion a year on killer advertising, and we spend $65 billion a year picking up the pieces with health care costs and lost productivity. All the Durbin-Chandler amendment does is authorize $10 million—the cost of 1½ days' worth of tobacco ads—to help kids stay off tobacco. All it does is bring the Agricultural Extension Service onto the team with Dr. Sullivan, Dr. Koop, and other public health leaders who are trying to save lives.

We say we are committed to preventing drug abuse among our children. Most smokers started when they were young between the ages of 14 and 16. They believed, as young people will, that they were invincible, that the risks did not apply to them. By the time they were old enough to realize the danger, they were hooked on a drug, as addictive and as deadly as heroin or crack.

If the Agricultural Extension Service can run 4-H programs to help young people become better citizens, it can help them protect their health by preventing tobacco addiction. We agreed with this when we adopted the farm bill last summer. But someone in the Senate wants to kill this program. We must tell our conferees that we are serious about saving lives. Vote for the motion to instruct.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I want to compliment my two colleagues, the gentleman from Washington and the gentleman from Illinois, for bringing this amendment to the Congress.

Smoking remains the No. 1 preventable cause of death in this country. Every day 1,000 people die from smoking, 1,000 people. In order for the tobacco companies to replace their market share, they have got to go out and find 1,000 new smokers to take their place, and those new smokers almost all tend to be under the age of 20. In fact, 60 percent of the new smokers every day are under 16, and 90 percent are under 20, and so the problem, the target of the tobacco industry and the target of the Cancer Society and the American Lung Society and the Heart Association are these young teenagers.

Education is the one thing we can do to improve their knowledge and awareness of the hazards of tobacco use.

This is a very important amendment. It can make a significant difference, because we know for sure that education among young people will discourage them from tobacco use.

One recent poll shows that 40 percent of all high school seniors do not think that tobacco use is harmful for them. That is a terrible statistic.

We have got to turn that around if we are going to improve the health of this country, especially the health of young teenage children.

Mr. HOPKINS. Mr. Speaker, I yield 2 minutes to the distinguished, learned chairman of the full committee, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman, my distinguished friend, for yielding me this time.

Mr. Speaker, as I mentioned previously on the other motion to instruct, I feel very badly, because, on going back to the previous motion, my distinguished colleague and friend, the gentleman from Oklahoma, is a conferee, and he is making a motion to instruct the conferees on his amendment. It is almost insulting to the committee, because he is making a motion to instruct himself. He is a conferee in one of the sections, and there is no need to be taking the time of the House.

He is agreeing with the Senator on the other side for whatever reason, but it is the first time I have ever, in my legislative career, seen a conferee move to instruct himself as a conferee when the chairman of the committee and the chairman of the subcommittee tell them, "Hey, we are with you, friend."

On the issue at hand, the same thing, we worked out a compromise. The chairman, the subcommittee chairman, told the gentleman, "We are with you." He has agreed with another committee.

I feel badly that there is some implication that the Committee on Agriculture is not living up to their commitment. The gentleman mentioned that we were, but I wanted to make it explicitly clear.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I have no criticism of the chairman of the committee, the minority spokesman or the gentleman from North Carolina, who have kept their word.

The difficulty we have run into is another committee has asserted jurisdiction, and they are now conferees to the section. We have been advised they are in this conference committee in an effort to kill this amendment. I have no choice. I have no animosity against the gentleman.

Mr. DE LA GARZA. Instruct the other committee. We are not the ones that are the culprit. You can instruct the conferees from the other committee. I feel badly we are taking the time of the House, and in one case the author of the amendment is instructing, or is asking us to instruct him, to support his amendment.

This is beyond my legislative career experience, and in this case also, he is agreeing with another committee. He wants to leave a mark on the Committee on Agriculture, which is unfair, and I ask the Members, very reluctantly, because I agree with their intent, I agree with what they are trying to do, but we should not support this motion to instruct, because it just is ludicrous really at this point.

Mr. HOPKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise to object to the motion of my colleague from Illinois.

I would like to say that I firmly agree with my honorable colleague from Illinois that children should not smoke.

But we have an obligation to the American people to ensure that their tax dollars are wisely—and efficiently—spent, on programs that are necessary and proper. We all take this obligation seriously, and we are spending considerable time—working very hard, to produce a responsible budget.

In keeping with this, our duty to American taxpayers, I must object to the request as presented by my friend from Illinois. He is asking us to authorize $10 million for a new program, a public education program to teach people something they already know. This is not a responsible use of the taxpayers money—especially at this time of fiscal restraint, with a tremendous budget deficit hanging over us.

The fact is, there is almost universal awareness of the dangers of smoking—among adults as well as children. Five years ago, an HHS survey showed that not only had the American public heard that smoking posed a health threat, but 95 percent believed that cigarette smoking increased the risk of lung cancer. And as the Surgeon General has stated, "by the time they reach the seventh grade, the vast majority of children believe smoking is dangerous to one's health."

A survey, published in the Journal of the American Medical Association in 1987, found that over 98 percent of children and adolescents believe smoking is harmful and "accurately named one or more body parts that are adversely affected by smoking."

Obviously, our children are fully cognizant that smoking involves health risks. The Federal Government already helps to educate the public, including children, about those risks, through the Department of Health and Human Services. HHS is now spending an estimated $85 million per year on smoking cessation and prevention programs.

In addition, there is a large antitobacco lobby which spends considerable time and resources to develop outreach programs and educational campaigns designed to teach children about the health effects associated with smoking. Kids Against Tobacco, Doctors Ought to Care, and Stop Teenage Addiction to Tobacco are but some of the examples.

And there are others. The National School Boards Association surveyed public school districts in 1988 and found that 75 percent have antismoking education programs at the elementary level, 81 percent at the middle school level and 78 percent at the high school level.

Another program specifically designed for children is the "Smoke-Free Class of 2000 Project." Sponsored by the American Cancer Society, the American Heart Association, and the American Lung Association, this 12-year awareness and education program targeted children in the first grade in 1988 and continues through their graduation in the year 2000.

A recent study by a major smoking cessation company found that children learn about smoking issues primarily in school, at home, on TV and at church. They must be doing an effective job—they've reached almost the entire population. In fact, one authority told a House subcommittee not long ago, "the level of public awareness on smoking and health issues is virtually unprecedented in our national experience."

The Government is already supporting a program that's proven successful. We don't need to create another expensive program, when what we're already doing is working.

Mr. Speaker, I would like to conclude my remarks by saying that the object of the gentleman's motion is worthy, but the means are inappropriate. We are already spending considerable money for this cause, and people are getting the message.

From the perspective of the average farm family, this measure is offensive. Our farmers have it tough. Farmers are going to suffer the target price freeze in the 1990 farm bill; they're paying increased fuel prices resulting from the Mideast crisis, and we're discussing increases in consumer excise taxes, which hit the farmer hard. More and more, family farmers are being forced off their land.

Things will not improve for American farmers on a permanent and dependable basis unless we act responsibly, and address concerns affecting them. That's what we ought to do. We have plenty of real problems facing American agriculture, and too few solutions for those problems. I suggest we address those concerns responsibly. Let us not authorize $10 million for a solution in search of a problem.

□ 2100

Mr. HOPKINS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, the Extension Service has done a wonderful job through the years performing research in the field of agriculture, and then sharing that research with family farmers across the country. This is the first time they would be asked to educate on something other than what their research and our State university produces.

It is a bad precedent to set, and one that I think we should not begin because who knows what we will later ask them to educate our farmers on that goes far afield from their original task, which was to research in agriculture related problems, and then share it with our farm families.

I then support the effort of those who oppose this instruction to the conferees.

Mr. DURBIN. I then support the effort of those who oppose this instruction to the conferees.

Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I am one of the conferees, I guess, that is instructing myself, because I am a conferee on this bill. This is a small, simple antismoking program dedicated to keeping young people from smoking. It is administered through the U.S. Extension Service, probably the greatest thing the Department of Agriculture has ever done to keep young Americans in rural America alive and aware of what is happening in the world.

As opposed to what was just said, I want to tell Members what the U.S. Extension Service does now with kids. They do programs on parenting, antidrug programs. They do nutrition programs, they do health programs. It is perfectly legitimate that they should do an antismoking program as well. I urge my coleagues to support the gentleman from Illinois [Mr. DURBIN].

Mr. HOPKINS. Mr. Speaker, I yield back the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield myself 1 minute to say in closing that the rollcall that will come on this particular motion to instruct is a very important one in this House of Representatives. It will put on record this Chamber as to the issue of public education about the danger of smoking, education of our children. We are told over and over by tobacco companies that they are not targeting children as customers. We are told that they do not want children to smoke. This will be proof positive as to whether or not they are standing by that pledge.

We are asking to save lives. We are asking for health care in this country that makes sense. Investment in preventive medicine. We are using an agency which has a proven track record. We are making a modest investment. I ask all those in this Chamber to support my motion to instruct.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion to instruct offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DURBIN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule 1, the Chair will

now put the question on each motion to instruct conferees on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

The motion offered by the gentleman from Oklahoma [Mr. SYNAR] by the yeas and nays.

The motion offered by the gentleman from Illinois [Mr. DURBIN] by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct offered by the gentleman from Oklahoma [Mr. SYNAR], on which the yeas and nays were ordered.

The Clerk will report the motion.

The Clerk read as follows:

Mr. SYNAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 2830 (the 1990 Farm bill) be instructed to insist upon at a minimum the provisions contained in subtitle G of title XIV of the House amendment relating to pesticide export reform and to accept the provisions contained in sections 1761 and 1762 of the Senate bill relating to revocation of food tolerances for banned pesticides.

The vote was taken by electronic device, and there were—yeas 162, nays 248, not voting 23, as follows:

[Roll No. 450]

YEAS—162

Ackerman	Glickman	Mineta
Andrews	Goodling	Mink
Atkins	Gordon	Moakley
Baker	Green	Moody
Bates	Henry	Morella
Beilenson	Hertel	Morrison (CT)
Bennett	Hoagland	Mrazek
Berman	Hochbrueckner	Neal (MA)
Boehlert	Hoyer	Nelson
Bonior	Hughes	Nowak
Boucher	Jacobs	Oberstar
Boxer	Johnson (SD)	Obey
Brennan	Johnston	Owens (NY)
Broomfield	Jones (GA)	Owens (UT)
Bryant	Jontz	Pallone
Cardin	Kanjorski	Panetta
Chandler	Kastenmeier	Payne (NJ)
Conte	Kennedy	Pease
Conyers	Kennelly	Pelosi
Cooper	Kildee	Penny
Costello	Kleczka	Petri
Coyne	Lantos	Porter
Dellums	Lehman (CA)	Poshard
DeWine	Lent	Pursell
Dixon	Levin (MI)	Ravenel
Donnelly	Levine (CA)	Richardson
Douglas	Lewis (GA)	Ridge
Downey	Lipinski	Rinaldo
Durbin	Lowey (NY)	Rostenkowski
Dymally	Machtley	Roukema
Early	Manton	Russo
Eckart	Markey	Sabo
Edwards (CA)	Matsui	Saiki
Engel	Mavroules	Sangmeister
Espy	McCloskey	Savage
Evans	McDermott	Saxton
Fawell	McGrath	Scheuer
Feighan	McHugh	Schneider
Fish	McMillen (MD)	Schroeder
Ford (TN)	McNulty	Schumer
Frank	Mfume	Sensenbrenner
Gejdenson	Miller (CA)	Serrano
Gilman	Miller (WA)	Sharp
Shays	Stark	Walgren
Sikorski	Stearns	Walsh
Skaggs	Studds	Washington
Slattery	Synar	Waxman
Slaughter (NY)	Torres	Weiss
Smith (FL)	Torricelli	Weldon
Smith (NJ)	Towns	Wheat
Smith (VT)	Unsoeld	Wolpe
Smith, Robert (NH)	Upton	Wyden
Snowe	Vander Jagt	Young (FL)
Solomon	Vento	
	Visclosky	

NAYS—248

Alexander	Gingrich	Ortiz
Anderson	Gonzalez	Oxley
Annunzio	Goss	Packard
Anthony	Gradison	Parker
Applegate	Grandy	Parris
Archer	Grant	Pashayan
Armey	Guarini	Patterson
Aspin	Gunderson	Paxon
AuCoin	Hall (TX)	Payne (VA)
Ballenger	Hamilton	Perkins
Barnard	Hammerschmidt	Pickett
Bartlett	Hancock	Pickle
Barton	Hansen	Price
Bateman	Harris	Quillen
Bentley	Hastert	Rahall
Bereuter	Hatcher	Ray
Bevill	Hayes (LA)	Regula
Bilbray	Hefley	Rhodes
Bilirakis	Hefner	Ritter
Bliley	Herger	Roberts
Borski	Hiler	Robinson
Brooks	Holloway	Rogers
Browder	Hopkins	Rohrabacher
Brown (CA)	Houghton	Ros-Lehtinen
Brown (CO)	Hubbard	Rose
Bruce	Huckaby	Roth
Buechner	Hunter	Rowland (GA)
Bunning	Hutto	Roybal
Burton	Hyde	Sarpalius
Bustamante	Inhofe	Sawyer
Byron	Ireland	Schaefer
Callahan	James	Schiff
Campbell (CA)	Jenkins	Schulze
Campbell (CO)	Johnson (CT)	Shaw
Carper	Jones (NC)	Shumway
Clarke	Kasich	Shuster
Clay	Kolbe	Sisisky
Clement	Kolter	Skeen
Clinger	Kostmayer	Skelton
Coble	Kyl	Slaughter (VA)
Coleman (MO)	LaFalce	Smith (IA)
Coleman (TX)	Lagomarsino	Smith (NE)
Collins	Lancaster	Smith (TX)
Combest	Laughlin	Smith, Denny (OR)
Condit	Leach (IA)	Smith, Robert (OR)
Coughlin	Leath (TX)	Solarz
Courter	Lehman (FL)	Spence
Cox	Lewis (CA)	Spratt
Craig	Lewis (FL)	Staggers
Crane	Lightfoot	Stallings
Dannemeyer	Livingston	Stangeland
Darden	Lloyd	Stenholm
Davis	Long	Stokes
de la Garza	Lowery (CA)	Stump
DeFazio	Luken, Thomas	Sundquist
DeLay	Lukens, Donald	Swift
Derrick	Madigan	Tallon
Dickinson	Marlenee	Tanner
Dicks	Martin (IL)	Tauke
Dingell	Martin (NY)	Tauzin
Dorgan (ND)	Martinez	Taylor
Dornan (CA)	Mazzoli	Thomas (CA)
Dreier	McCandless	Thomas (GA)
Duncan	McCollum	Thomas (WY)
Dyson	McCrery	Traficant
Edwards (OK)	McEwen	Traxler
Emerson	McMillan (NC)	Udall
English	Meyers	Valentine
Erdreich	Michel	Volkmer
Fascell	Miller (OH)	Vucanovich
Fazio	Molinari	Walker
Fields	Mollohan	Watkins
Flake	Montgomery	Weber
Flippo	Moorhead	Whittaker
Frenzel	Morrison (WA)	Whitten
Frost	Murphy	Williams
Gallegly	Murtha	Wise
Gallo	Myers	Wolf
Gaydos	Nagle	Yatron
Gekas	Natcher	Young (AK)
Gephardt	Neal (NC)	
Geren	Nielson	
Gibbons	Oakar	
Gillmor	Olin	

NOT VOTING—23

Boggs	Gray	Rangel
Bosco	Hall (OH)	Roe
Carr	Hawkins	Rowland (CT)
Chapman	Hayes (IL)	Schuette
Crockett	Horton	Wilson
Dwyer	Kaptur	Wylie
Foglietta	McCurdy	Yates
Ford (MI)	McDade	

□ 2123

Mr. UDALL changed his vote from "yea" to "nay."

Messrs. ESPY, LENT, and GORDON changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The pending business is the question of agreeing to the motion to instruct offered by the gentleman from Illinois [Mr. DURBIN], on which the yeas and nays are ordered.

The Clerk read as follows:

Mr. DURBIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2830 be instructed to insist upon the provisions of section 1399 of the House amendment.

The vote was taken by electronic device, and there were—yeas 255, nays 154, not voting 24, as follows:

[Roll No. 451]

YEAS—255

Ackerman	Durbin	Jacobs
Alexander	Dymally	James
Anderson	Early	Jenkins
Andrews	Eckart	Johnson (CT)
Archer	Edwards (CA)	Johnson (SD)
Aspin	Engel	Johnston
Atkins	Erdreich	Jontz
AuCoin	Evans	Kanjorski
Barnard	Fascell	Kasich
Bartlett	Fawell	Kastenmeier
Bates	Fazio	Kennedy
Beilenson	Feighan	Kennelly
Bennett	Fish	Kildee
Bentley	Flake	Kleczka
Bereuter	Ford (TN)	Kostmayer
Berman	Frank	Kyl
Bilbray	Frost	LaFalce
Boehlert	Gallegly	Lagomarsino
Boxer	Gejdenson	Lantos
Brennan	Gekas	Leach (IA)
Broomfield	Gephardt	Lehman (CA)
Brown (CO)	Geren	Lehman (FL)
Bryant	Gibbons	Lent
Burton	Gillmor	Levin (MI)
Campbell (CA)	Gilman	Levine (CA)
Campbell (CO)	Gingrich	Lewis (GA)
Cardin	Glickman	Lipinski
Carper	Gonzalez	Livingston
Chandler	Goodling	Lloyd
Clinger	Gordon	Long
Coleman (TX)	Goss	Lowey (NY)
Collins	Gradison	Luken, Thomas
Condit	Green	Lukens, Donald
Conte	Guarini	Machtley
Conyers	Hamilton	Manton
Cooper	Hammerschmidt	Markey
Costello	Hansen	Martin (IL)
Coughlin	Hastert	Martinez
Courter	Hayes (LA)	Matsui
Coyne	Henry	Mavroules
Craig	Hertel	Mazzoli
DeFazio	Hiler	McCandless
Dellums	Hoagland	McCloskey
DeWine	Hoyer	McCollum
Dicks	Huckaby	McCrery
Donnelly	Hughes	McDermott
Dorgan (ND)	Hutto	McHugh
Douglas	Hyde	McMillen (MD)
Downey	Ireland	McNulty

Meyers	Ridge	Snowe
Mfume	Rinaldo	Solarz
Miller (CA)	Ritter	Staggers
Mineta	Ros-Lehtinen	Stallings
Mink	Rostenkowski	Stark
Moakley	Roth	Stearns
Molinari	Roukema	Studds
Moody	Roybal	Synar
Moorhead	Russo	Tauke
Morella	Sabo	Tauzin
Morrison (CT)	Saiki	Taylor
Mrazek	Sangmeister	Torres
Neal (MA)	Savage	Torricelli
Nelson	Sawyer	Traficant
Nielson	Scheuer	Traxler
Nowak	Schiff	Udall
Oakar	Schneider	Unsoeld
Oberstar	Schroeder	Upton
Obey	Schumer	Vander Jagt
Owens (NY)	Sensenbrenner	Vento
Owens (UT)	Serrano	Visclosky
Oxley	Sharp	Walgren
Packard	Shays	Washington
Pallone	Shumway	Waxman
Panetta	Shuster	Weiss
Payne (NJ)	Sikorski	Weldon
Pease	Skaggs	Wheat
Pelosi	Slattery	Whittaker
Penny	Slaughter (NY)	Williams
Petri	Smith (FL)	Wise
Pickle	Smith (NE)	Wolf
Porter	Smith (NJ)	Wolpe
Poshard	Smith (TX)	Wyden
Pursell	Smith (VT)	Yatron
Ravenel	Smith, Denny (OR)	Young (FL)
Regula		
Richardson	Smith, Robert (NH)	

NAYS—154

Annunzio	Gaydos	Paxon
Anthony	Grandy	Payne (VA)
Applegate	Grant	Perkins
Armey	Gunderson	Pickett
Baker	Hall (TX)	Price
Ballenger	Hancock	Quillen
Barton	Harris	Rahall
Bateman	Hatcher	Ray
Bevill	Hefley	Rhodes
Bilirakis	Hefner	Roberts
Bliley	Herger	Robinson
Bonior	Hochbrueckner	Rogers
Borski	Holloway	Rohrabacher
Boucher	Hopkins	Rose
Brooks	Houghton	Rowland (GA)
Browder	Hubbard	Sarpalius
Brown (CA)	Hunter	Saxton
Bruce	Inhofe	Schaefer
Buechner	Jones (GA)	Schulze
Bunning	Jones (NC)	Shaw
Bustamante	Kolbe	Sisisky
Byron	Kolter	Skeen
Callahan	Lancaster	Skelton
Clarke	Laughlin	Slaughter (VA)
Clay	Leath (TX)	Smith (IA)
Clement	Lewis (CA)	Smith, Robert (OR)
Coble	Lewis (FL)	
Coleman (MO)	Lightfoot	Solomon
Combest	Lowery (CA)	Spence
Cox	Madigan	Spratt
Crane	Marlenee	Stangeland
Dannemeyer	Martin (NY)	Stenholm
Darden	McEwen	Stokes
Davis	McGrath	Stump
de la Garza	McMillan (NC)	Sundquist
DeLay	Michel	Swift
Derrick	Miller (OH)	Tallon
Dickinson	Mollohan	Tanner
Dingell	Montgomery	Thomas (CA)
Dixon	Morrison (WA)	Thomas (GA)
Dornan (CA)	Murphy	Thomas (WY)
Dreier	Murtha	Towns
Duncan	Myers	Valentine
Dyson	Nagle	Volkmer
Edwards (OK)	Natcher	Vucanovich
Emerson	Neal (NC)	Walker
English	Olin	Walsh
Espy	Ortiz	Watkins
Fields	Parker	Weber
Flippo	Parris	Whitten
Frenzel	Pashayan	Young (AK)
Gallo	Patterson	

NOT VOTING—24

Boggs	Bosco	Carr
Chapman	Hawkins	Rangel
Crockett	Hayes (IL)	Roe
Dwyer	Horton	Rowland (CT)
Foglietta	Kaptur	Schuette
Ford (MI)	McCurdy	Wilson
Gray	McDade	Wylie
Hall (OH)	Miller (WA)	Yates

□ 2131

Messrs. TRAXLER, HAYES of Louisiana, CRAIG, and GONZALEZ changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 2104, CIVIL RIGHTS ACT OF 1990, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-852) on the resolution (H. Res. 504) waiving all points of order against the conference report on the bill (S. 2104) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes, and against its consideration, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 5769, INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-853) on the resolution (H. Res. 505) waiving certain points of order during consideration of the bill (H.R. 5769) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AGE DISCRIMINATION CLAIMS ASSISTANCE ACT OF 1990

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 5794) to amend the Age Discrimination Claims Assistance Act of 1988 to extend the statute of limitations applicable to certain additional claims under the Age Discrimination in Employment Act of 1967, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request of the gentleman from California?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, H.R. 5794 will extend for 15 months, dating from the date of enactment, the statute of limitations for persons who have filed ADEA complaints with the EEOC and whose right to file in court has lapsed while awaiting EEOC action.

This measure solves a problem for a limited number of people, but unless we address the very serious inadequacies of the EEOC system, complaints of discrimination will continue to languish at EEOC.

People who have been discriminated against deserve to have effective and speedy restoration of their rights.

On May 23, 1990, I introduced H.R. 4889, which would streamline the enforcement of antidiscrimination laws including the ADEA, the Civil Rights Act, the Rehabilitation Act, and the ADA.

My legislation would rework the EEOC so that people with real cases of discrimination would get real relief from that agency, rather than being shunted to a court.

The explosion of employment discrimination cases in the Federal courts—a 2,000-percent increase over the last 20 years—translates into considerable time, effort, and money that people are expending before receiving justice.

Rather than expecting EEOC to look to the courts to remedy discrimination, we should enable the commission to handle cases of discrimination in an effective and timely manner.

In the years since we first enacted the Civil Rights Act of 1965, more Federal statutes prohibiting discrimination have been added, and States and localities have enacted such laes. Federal and State anti-discrimination laws total 264, which does not include available tort action or city or county ordinances.

My proposal would pattern the EEOC after the NLRB. The NLRB has been in place since 1935, and it has an admirable record of handling over 95 percent of its cases expeditiously.

Specific components of my proposal are as follows:

Single job bias law consolidates existing patchwork quilt of employment discrimination laws—ADEA, Equal Pay Act, section 1981, title VII, and the ADA—into title VII creating a uniform, national antidiscrimination law.

Preemption/election of remedies lessens caseload burden on courts by eliminating inconsistent and duplica-

tive actions by: requiring election of remedies among EEOC, State agency or private dispute mechanisms; superseding State employment discrimination laws and allowing State enforcement only where State plan—consistent with title VII—has been approved by EEOC; making State actions final and binding.

Alternative dispute resolution lessens burden on courts by making arbitration and other such mechanisms final and binding.

Conciliation facilitates mediation by requiring parties to submit statements describing their positions.

Pattern EEOC enforcement after NLRB reduces caseload burden on Federal courts and eliminates litigation over meritless claims by patterning EEOC enforcement after NLRB, thus creating an administrative adjudicatory process within EEOC for deciding complaints with a limited right of review by Federal courts.

Statute of limitations clarifies statute of limitations by establishing uniform 180-day limit and precluding untimely claims from being piggybacked onto timely claims.

Attorney's fees applies the same attorney's fees standards to both plaintiffs and defendants.

Information disclosure strengthens confidentiality protections involving disclosure of information by EEOC and State officials to third parties.

During the 15 months period that H.R. 5794, I hope Congress and specifically the Committees on Education and Labor and Judiciary will make use of the time to find out the barriers within EEOC to timely case resolution, and to correct those barriers.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I would ask the gentleman from California [Mr. MARTINEZ] if he agrees with the interpretation that he has just heard, with the exception of the last part dealing with next year.

Mr. MARTINEZ. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Speaker, I rise in support of H.R. 5794, the Age Discrimination Claims Assistance Amendments of 1990, and to urge my colleagues to approve this very important bill.

Mr. Speaker, this is a short-fix bill to restore the rights of age discrimination claimants who have had their statutory rights to sue lapse while waiting action by the Equal Employment Opportunity Commission. A rough approximation indicates that at least 3,000 to 4,000 individuals have fallen into this black hole.

This bill would extend the statute of limitations for a period of 15 months for those whose rights have already expired, while extending for approximately 7 months those whose rights will expire within 6 months after the enactment of this bill.

A similar bill to this was passed unanimously in 1988 redressing the lapsed rights of age discrimination claimants, with an 18-month statute of limitations extension.

This bill also requires the EEOC to give notice within 60 days after the enactment of this bill to individuals whose cases have lapsed, and 60 days after the expiration of the 60-month period after the enactment of this act.

Finally, this bill would require the EEOC to report to Congress on these age discrimination cases every 5 months following enactment.

Mr. Speaker, these cases have lapsed through no fault of the age discrimination claimants. Older workers have innocently relied upon the Federal enforcement agency to handle their cases. Therefore, the older workers should not be penalized for the lapse of their legal recourse to pursue their civil rights.

It is clear that this is only an ad hoc measure, to quote the EEOC, whose letter of support for this bill I am including in the RECORD, to redress the rights of a narrow range of people, for a fixed time. Chairman Kemp has assured this committee, and has already backed his words with action, that aggressive reforms will occur under his administration to correct this ongoing problem. I believe him.

I am sensitive that EEOC will need additional funds and resources to clean up the agency's dangerous backlog of cases and to carry out the agency's mission. I would like the sponsors of this bill, which include four committees and three subcommittees of jurisdiction, to work with me to assist Chairman Kemp in that endeavor.

I wish to thank Chairman ROYBAL, HAWKINS, CONYERS, LANTOS, SIKORSKI, WILLIAMS and CLAY and ranking members GOODLING, RINALDO, GILMAN, HORTON, GUNDERSON, MORELLA, LUKENS, and BARTLETT for help and guidance on this legislation and for their vigilant guardianship of older workers' rights.

I urge the Members of the House to approve this bill.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I would urge my colleagues to vote for the bill and the amendment.

Mr. Speaker, I rise in support of H.R. 5794, the Age Discrimination Claims Assistance Amendments of 1990. This bill is designed to extend the statute of limitations for individuals who have timely filed charges with the EEOC but whose right to file a lawsuit has expired while the charges were being processed by the EEOC.

Although individuals who have been victims of age discrimination do have a right to pursue their claims in court 60 days after a charge has been filed with the EEOC, many individuals rely on the agency in the first instance to investigate and resolve their charges. These charges sometimes become stalled in EEOC processing and are not resolved prior to the expiration of the 2-year statute of limitations for filing an age discrimination complaint in court. Thus, individuals who are often not notified of the disposition of their charges lose their right to file a lawsuit. H.R. 5794 would merely extend the statute of limitations for a 15-month period for individuals who are so affected.

I urge my colleagues to support H.R. 5794 and to provide redress to individuals whose right to be free from discrimination on the basis of age in the workplace may be lost through no fault of their own.

□ 2140

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Speaker, as chairman of the Select Committee on Aging, and as the original sponsor, I rise in strong support of the Age Discrimination Claims Assistance Amendments of 1990, H.R. 5794, bipartisan legislation of immediate importance to thousands of older workers. This legislation will restore the legal rights of older workers who, through no fault of their own, lost their ability to pursue their age discrimination complaints in court. I am pleased to have my colleagues, Representatives MARTINEZ, HAWKINS, GOODLING, RINALDO, GUNDERSON, CONYERS, GILMAN, SIKORSKI, HORTON, MORELLA, LANTOS, LUKENS, CLAY, and WILLIAMS, join me in this important effort.

Three years ago, congressional hearings revealed that a number of age discrimination charges filed by older workers with the Equal Employment Opportunity Commission [EEOC], were not processed in time to meet the 2- and 3-year statute of limitations for filing complaints in court under the Age Discrimination in Employment Act [ADEA]. As a result of this processing failure, these older workers were left without an effective legal recourse for their claims. Congress, in a bipartisan manner, moved to remedy this situation and passed the Age Discrimination Claims Assistance Act of 1988 [ADCAA], Public Law 100-283, enacted on April 7, 1988, which extended for 18 months the statute of limitations under the ADEA for those older workers with lapsed charges.

On June 26, 1990, the House Select Committee on Aging, the Committee on Education and Labor, and the Subcommittee on Employment Opportunities, asked the General Accounting Office [GAO] to investigate the cur-

rent status of lapsed charges at the EEOC.

Upon the request of the GAO, the EEOC subsequently conducted a review of its age discrimination charges, and found that 2,801 additional charges have lapsed since the enactment of the ADCAA in which individuals lost rights. These charges were not remedied by the ADCAA, as they lapsed on or after the ADCAA's enactment date. A substantial number of these new lapsed charges were filed with State and local fair employment practices agencies. At this point, I would like to insert in the RECORD a letter from the GAO summarizing the information provided by the EEOC.

The EEOC has acknowledged that something must be done to help these additional older workers with lapsed charges. I am entering into the RECORD at this time a letter from the EEOC stating their full support of the legislation before us today.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, October 5, 1990.

EDWARD R. ROYBAL,
Chairman, Select Committee on Aging, House of Representatives.
AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, House of Representatives.
MATTHEW G. MARTINEZ,
Chairman, Subcommittee on Employment Opportunities, Committee on Education and Labor, House of Representatives.

In your June 26, 1990, letter and subsequent discussions with your staffs, you asked us to obtain information from the Equal Employment Opportunity Commission (EEOC) on charges filed under the Age Discrimination in Employment Act of 1967 (ADEA). More specifically, you requested the number of individuals who had filed age discrimination charges and lost their right to file suit in federal court since April 7, 1988, when the Age Discrimination Claims Assistance Act (Claims Act) was enacted. Rights to file suit were lost because charges had not been administratively resolved and legal action had not been taken within the 2-year statute of limitations. You expressed concern that a substantial number of individuals may have lost their right to court review and you indicated that this information would help you decide whether the Claims Act should be amended to include this group.

The Claims Act gave individuals who filed ADEA charges and lost their right to sue, as of April 7, 1988, additional time (until September 30, 1989) to file suit in federal court. Before the Claims Act became law, the Senate Special Committee on Aging and the House Select Committee on Aging, during congressional hearings in 1987 and 1988, had gathered evidence showing EEOC's failure to resolve a substantial number of ADEA charges before they reached the statute of limitations.

BACKGROUND

ADEA protects workers 40 years old and older from discrimination based on age by employers with 20 or more employees. EEOC enforces equal employment opportunity through a field structure composed of 50 field offices—24 district, 17 area, and 9 local offices. Under the direction of EEOC's Office of Program Operations, these offices receive, investigate, and resolve employment discrimination charges.

To help carry out its investigative responsibilities for ADEA, EEOC maintains agreements with 46 state and local fair employment practice agencies (FEPAs).

An individual may file a formal age discrimination charge under ADEA with either an EEOC field office or a FEPA if (1) the jurisdiction served by the FEPA has a new law prohibiting employment discrimination on bases covered by ADEA and (2) the FEPA can enforce that law. (In states without a FEPA, charges are filed directly with EEOC.) Filing a charge with EEOC or a FEPA is a prerequisite to court action. Such action may be taken 60 days after filing if EEOC or a FEPA has not resolved the charge.

Under ADEA, barring tolling of the statute of limitations, the right to sue in court on charges of age discrimination lapses when neither the applicable EEOC district or FEPA office nor the individual alleging discrimination initiates court action within 2 years of the alleged violation (3 years if the discrimination is found to be willful).

RIGHT TO SUE IN FEDERAL COURT LOST BY CHARGING PARTIES

EEOC headquarters officials reported that from April 8, 1988, to June 30, 1990, 2,801 age discrimination charges under ADEA involved persons who lost their opportunity to file suit in federal court because EEOC district or state FEPA offices filed to resolve the charges before the 2-year statute of limitations expired and the affected individuals did not initiate court action. (A charge may involve more than one charging party.) These charging parties could have their rights restored only if the Claims Act is amended. EEOC district offices were responsible for 348 of these charges, while FEPA offices were responsible for 2,453 charges.

EEOC officials told us that they do not routinely generate or use these data to monitor the status of the FEPAs' ADEA charges, but that they do use them to monitor ADEA charges in their district offices. However, because EEOC lacked confidence in these data, it directed both the EEOC district and FEPA offices to verify the data included in its national data base. These verification efforts were not completed until late September 1990. We have not independently verified the accuracy of any of the data provided by EEOC and included in this letter.

EEOC district offices' responsibility

As shown in table 1, 348 charges being processed by EEOC district offices exceeded the 2-year statute of limitations, from April 8, 1988, to June 30, 1990, leaving the charging parties without the opportunity to file suit in federal court. The table shows that the number of charges that fell into this category decreased during each of the fiscal-year periods shown. Also, the ratio of charging parties who lost the right to sue, compared to the parties who had their charges resolved, decreased in each period.

TABLE 1.—ADEA CHARGES IN EEOC DISTRICT OFFICES INVOLVING INDIVIDUALS WHO LOST THEIR RIGHT TO SUE (APR. 8. 1988–JUNE 30, 1990)

	Apr. 8, 1988 to Sept. 30, 1988	Oct. 1, 1988 to Sept. 30, 1989	Oct. 1, 1989 to June 30, 1990.	Total
Charges resolved[1]	[2] 10,882	16,969	11,775	39,626
Charging parties who lost right to sue	220	105	23	348
Ratio of rights lost to charges resolved	2.02	0.62	0.20	0.88

[1] These figures do not represent the total universe of ADEA charges processed during each period because charges pending resolution are excluded.
[2] According to EEOC officials, this figure includes ADEA charges resolved from Apr. 1 through Sept. 30, 1988.

EEOC officials reported that of these 348 charges: (1) EEOC district offices were fully responsible for 286 because they were under their control at all times, (2) FEPAs' untimely transfers of 29 charges to EEOC district offices for resolution (that is, more than 18 months after the alleged violation occurred) contributed to these charges being in this category, (3) 17 charges had been transferred from FEPAs to EEOC officers, but they had not been electronically coded in the national data base by the EEOC offices as being received and (4) the statute of limitations lapsed for 16 charges under limited control of EEOC district offices during subpoena enforcement proceedings.

In addition to the 348 charges shown in table 1, EEOC officials reported, for the same period, 763 ADEA charges in which individual rights apparently were not affected by the expiration of the statute of limitations. In 349, charging parties had filed formal ADEA charges with EEOC after the prescribed filing period and too late to protect their right to sue. EEOC initiated and directed 336 charges that involved neither a charging party nor the private right to sue. Through conciliation, 78 charging parties later secured acceptable settlement relief even though their right to sue had lapsed.

FEPA offices' responsibility

As shown in table 2, 2,453 charges being processed by FEPA offices exceeded the 2-year statute of limitations, from April 8, 1988, to June 30, 1990, leaving the charging parties without the opportunity to file suit in federal court. The table also shows that the ratio of charges in which parties lost rights, compared to charges resolved, ranged from 16.07 to 22.74 percent in each of the fiscal-year periods shown. Thus, the ratios were considerably higher than those for the EEOC district offices cited in table 1.

Table 2.—ADEA CHARGES IN FEPA OFFICES INVOLVING INDIVIDUALS WHO LOST THEIR RIGHT TO SUE (APR. 8, 1988–JUNE 30, 1990)

	Apr. 8, 1988 to Sept. 30, 1988	Oct. 1, 1988 to Sept. 30, 1989	Oct. 1, 1989 to June 30, 1990	Total
Charges resolved [1]	[2] 2,630	5,630	4,536	12,796
Charging parties who lost right to sue	598	1,126	729	2,453
Ratio of rights lost to charges resolved	22.74	20.00	16.07	19.17

[1] These figures do not represent the total universe of ADEA charges processed by FEPAs during each period. Only charges resolved under EEOC's age contracts with FEPAs are shown; those pending resolution are excluded.
[2] According to EEOC officials, this figure was an estimate calculated at 50 percent of the FEPAs' total ADEA resolutions during fiscal year 1988.

EEOC officials reported that of these 2,453 charges: (1) FEPA offices were fully responsible for 2,285 because they were under their control at all times; (2) 163 charges had been transferred from EEOC offices to FEPAs, but they had not been electronically coded in the national data base by the FEPAs as being received; (3) an EEOC district office's untimely transfer of 1 charge to a FEPA for resolution contributed to that charge being in this category; and (4) the statute of limitations lapsed for 4 charges under limited control of FEPA offices during subpoena enforcement proceedings.

In addition to the 2,453 charges shown in table 2, EEOC officials reported, for the same period, 412 FEPA charges in which individual rights were not affected by the expiration of the statute of limitations. In 165, charging parties had filed formal ADEA charges with the FEPAs after the prescribed filing period and too late to protect their right to sue, and 247 charging parties later secured acceptable relief through conciliation even though the right to sue had lapsed.

Please call me on (202) 275-1655 if you or your staffs have any questions on the information in this letter.

LINDA G. MORRA,
Director, Human Services Policy and Management Group.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Washington, DC, October 4, 1990.

Hon. EDWARD ROYBAL,
Hon. GUS HAWKINS,
Hon. MATTHEW MARTINEZ,
House of Representatives,
Washington, DC.

DEAR CHAIRMEN ROYBAL, HAWKINS, AND MARTINEZ: EEOC has reviewed the draft legislation which proposes to amend the Age Discrimination Claims Assistance Act of 1988 to extend the statute of limitations applicable to certain additional claims under the Age Discrimination in Employment Act (ADEA) of 1967.

We commend the committees for their interest in the enforcement of the ADEA and would support such legislation which would restore rights to charging parties who lost private suit rights due to the expiration of the ADEA statute of limitations. We see this as a temporary ad hoc measure designed to protect the rights of those charging parties with lapsed charges and look forward to working with you to find a permanent solution.

The views stated here represent those of the EEOC and are not an Administration position on this draft legislation.

Sincerely,

EVAN J. KEMP, Jr.,
Chairman.

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, October 10, 1990.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The American Association of Retired Persons urges you to vote for the Age Discrimination Claims Assistance Amendments of 1990 (H.R. 5794) when considered on the floor of the House this week.

This bipartisan legislation is critical to restoring the rights of thousands of older workers whose rights to sue under the Age Discrimination in Employment Act (ADEA) have been lost due to inaction by the Equal Employment Opportunity Commission (EEOC). H.R. 5794 amends and extends the Age Discrimination Claims Assistance Act (ADCAA) of 1988.

ADCAA gave thousands of older workers a new 18 month period in which to preserve their rights under the ADEA. These workers had previously filed charges of discrimination with the EEOC, but the EEOC failed to process them within the 2-year period required by the statute. ADCAA restored the rights of persons whose charges lapsed prior to April 8, 1988 (date ADCAA was enacted).

Recent information indicates that this problem continues. A recent U.S. GAO study states that "from April 8, 1988, to June 30, 1990, a total of 2,801 charges under ADEA involved persons who lost their opportunity to file suit in federal court because EEOC district or state FEPA offices failed to resolve the charges before the 2-year statute of limitations expired. . . . These 2,801 charging parties could have their rights restored only if the Claims Act is amended."

H.R. 5794 amends ADCAA to *restore the rights of these persons* who were not covered by the initial legislation. In order to give the new leadership at the EEOC an opportunity to correct this problem, it provides an additional 12-18 month period (depending upon the date the charge lapsed) for persons to file a lawsuit if their charge was previously filed in a timely fashion.

AARP urges you to vote for this legislation. Older workers who relied upon the EEOC should not be penalized because the agency failed to process their charges as required.

Very truly yours,

JOHN ROTHER,
Director, Legislation and Public Policy.

The Age Discrimination Claims Assistance Amendments of 1990 is basically an extension of the ADCAA of 1988. It extends for up to 15 months the statute of limitations under the ADEA for those additional older workers with lapsed charges. It specifically applies to charges that lapsed from the date of enactment of the ADCAA, to 6 months after the date of enactment of this new legislation.

I would like to briefly summarize this legislation. First, the rights of persons who filed timely age discrimination charges with the EEOC after April 6, 1985, but did not have a civil action brought on by such claims; did not have the claims either conciliated by the EEOC or receive notice from the EEOC on the disposition of the charge and their right to sue; and whose claims had expired after April 6, 1988, but prior to 6 months after the date of enactment; are revived for an additional 15 months from the date of enactment of the bill.

The bill also requires the EEOC no later than 60 days after enactment, to notify those persons whose claims lapsed prior to the date of enactment, of the following: First, the rights and benefits to which such persons are entitled to under the ADEA; second, the date on which the statute of limitations on their claims have run; and third, that they have an additional period of time to bring an action on their claims. The EEOC must also provide the same notice to those persons whose claims lapsed within the 180 day period after enactment, no later than 60 days after the expiration of that 180 day period.

Finally, the bill includes a reporting requirement for the EEOC. The EEOC must submit periodic reports to certain congressional committees including such information as the number of persons who have claims under the legislation, the number of persons notified, and the disposition of their charges.

In addition to the EEOC, the bill has the strong support of the American Association of Retired Persons [AARP]. I am inserting a letter of support from the AARP into the RECORD.

This legislation is only a temporary remedy to what has become a continual problem of lapsed age discrimination charges at the EEOC. When we first passed the ADCAA in 1988, the EEOC indicated to us that it was taking steps to prevent this problem from occurring in the future. Clearly, whatever measures that were taken were not sufficient. However, a new chairman is now at the EEOC, and there appears to be a renewed commitment on the part of the agency to resolve this problem. A permanent solution must now be quickly developed, either within the management structure of the EEOC itself, or through the efforts of Congress, or both.

In closing, I would like to emphasize one point. The older workers we are helping through this legislation fulfilled all of that which was required of them in order to pursue their claims under the ADEA. It was only through a governmental failure that they lost their rights to pursue their claims in court. I therefore urge you to support this legislation so that we can quickly restore the fundamental legal rights of these older workers.

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Age Discrimination Claims Assistance Amendments of 1990".

SEC. 2. AMENDMENTS.

(a) EXTENSION OF STATUTE OF LIMITATIONS.—Section 3 of the Age Discrimination Claims Assistance Act of 1988 (Public Law 100-283; 29 U.S. 626 note) is amended—

(1) by inserting "(a) EXTENSION.—" before "Notwithstanding",

(2) in the matter preceding paragraph (1) by striking "540-day period beginning on

the date of the enactment of this Act" and inserting "applicable extension period",

(3) in paragraph (1)—

(A) by inserting "(A)" after "(1)", and

(B) by adding at the end the following:

"(B) with respect to the alleged unlawful practice on which the claim in such civil action is based, a charge was timely filed under such Act with the Commission after April 6, 1985,",

(4) by amending paragraph (3) to read as follows:

"(3)(A) with respect to a claim described in paragraph (1)(A) the statute of limitations applicable under such section 7(e) ran before the date of the enactment of this Act, or

"(B) with respect to a claim described in paragraph (1)(B) the statute of limitations applicable under such section 7(e) runs after April 7, 1988, but before the expiration of the 180-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990.", and

(5) by adding at the end the following:

"(b) DEFINITION.—The term 'extension period' means—

"(1) with respect to a charge described in paragraph (1)(A), the 540-day period beginning on the date of the enactment of this Act, and

"(2) with respect to a charge described in paragraph (1)(B), the 540-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990, and".

(b) NOTICE OF STATUTE OF LIMITATIONS.—Section 4 of the Age Discrimination Claims Assistance Act of 1988 (Public Law 100-283; 29 U.S. 626 note) is amended—

(1) in subsection (a)—

(A) by striking "Not" and inserting "(1) Not",

(B) by inserting "before April 7, 1985," after "filed", and

(C) by adding at the end the following:

"(2) Not later than 60 days after the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990, the Commission shall provide the notice specified in subsection (b) to each person who filed after April 6, 1985, a charge to which section 3 applies and with respect to which the statute of limitation ran before the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990.

"(3) Not later than 60 days after the expiration of the 180-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990, the Commission shall provide the notice specified in subsection (b) to each person who filed after April 6, 1985, a charge to which section 3 applied and with respect to which the statute of limitations runs in such 180-day period.", and

(2) in subsection (b)(2) by striking "(which is 540 days after the date of the enactment of this Act)".

(c) REPORTS.—Section 5(a) of the Age Discrimination Claims Assistance Act of 1988 (Public Law 100-283; 29 U.S. 626 note) is amended by inserting "and each 180-day period in the 540-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990," after this Act,".

AMENDMENT OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ: In section 3(a)(3)(B) of the Age Discrimination Claims Assistance Act of 1988, as added by section 2(a)(4) of the bill, strike "April 7" and insert "April 6".

In section 3(b)(2) of the Age Discrimination Claims Assistance Act of 1988, as added by section 2(a)(5) of the bill, strike "540-day" and insert "450-day".

In the amendment to section 5(a) of the Age Discrimination Claims Assistance Act of 1988, made by section 2(c) of the bill—

(1) strike "180-day" and insert "150-day", and

(2) strike "540-day" and insert "450-day", and

Mr. MARTINEZ (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Speaker, the amendment is a simple one which changes from 18 months to 15 months the time allotted for the extension of claims.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. MARTINEZ].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AFTERWORD ON THE NEA DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, just a little afterword on the NEA debate. I did not take the floor but for a few minutes today to say with a very heavy heart I was going to have to vote against giving some Federal funds to the arts in this country. I truly believe that man does not live by bread alone. My community in southern California had been benefited with some very humble and small artistic projects from NEA funding over the last few years. It is not because all the funding was cut off that I got my nose out of joint and said well, if my small congressional district is not getting a piece of this, I will cut it off. Our little Shakespeare group was cut off. Money to the Garden Grove Symphony, which is a darned good one, was cut off. The State of California only gets $14 million out of $175 million. The State of New York, which does not have but about half our population, gets $40 million.

But what I said today was simply when we cannot get our budgetary crisis under control, how do we start funding nonessential, nonvital aspects of government?

One of my friends got up on the majority side and said that we fought the battles of $400 hammers, and that the defense budget is not perfect. But defense is mentioned in the Preamble to the Constitution. It is mentioned fourth, after forming a more perfect Union, establishing justice, ensuring domestic tranquility. Then we mentioned providing for the common defense, then promoting general welfare, and then ensuring the same benefits that we have to our posterity.

So when we are told that this is essential to defend our country, and look what is happening in the Arabian-Persian Gulf, how can people say that suddenly putting up $175 million to add to the $6.8 billion that the private sector donates to art, that that is an essential role of government?

Taxpayers who are also shareholders in a corporation that funded some of the garbage that we have seen funded, mistakes, I don't care how few the mistakes are, to blaspheme Jesus Christ, to have child pornography be mixed in with self-degrading portraits.

The trial in Cincinnati wasn't indicative of anything, except that a handful of jurors in this middle heartland American city had been so desensitized that they were convinced that a man standing there with a self-photograph of him—I will quote an artist, Charlton Heston, whom I admire greatly, he played Moses on the screen in Agony and the Ectasy, in a moment of frustration on a television show, said that a man jamming a bullwhip up his ——— and then he used a not-too-rough street word for "backside," trying to keep the decorum of the House here—he said that is not art, and it certainly is not.

But listen to how the art critics confused the jury in that Cincinnati trial. You know, to use newspaper terminology, we are asking Bubba, that is kind of a cheap shot at the average hard-working American taxpayer, we are asking Bubba to pay more for his six-pack, to pay so much more for his gasoline that he may not be able to take his family to Yellowstone or to Yosemite Park in my district, but we are telling him that we are still going to take his tax dollars, the illustrative vote today, to pay for a few mistaken things in art. Give the majority of it to New York, add it to this $6.8 billion that private sector properly puts up for art, and then tell Bubba, Joe Six-Pack, to get lost. He is going to have to pay for this.

Here is an article written by Ellen Goodman, a liberal writer of some skill, who although she agrees with the Cincinnati verdict of the jury, says, "Beware, doyens and mavens of the art community." She says, "Perfect moment number 1 at the trial," she is being sarcastic, "Prosecutor Frank Prouty holds up two photo-

graphs, one of a man with a bull whip in his rectum. He asks the art director who chose these images for the show: 'Would you call these sexual acts?' "

The lady art critic answers, "I would call them figure studies."

"Perfect moment number 2," writes Ellen Goodman. "Prouty questions Museum Director Dennis Barrie: 'This photograph of a man with his finger inserted in his,' medical term for genitalia, 'what is the artistic content of that,' "

□ 2150

The art museum director responded: "It's a striking photograph in terms of light and composition."

She says, another moment. "The prosecutor asks how art was determined—was it merely the whim of a museum? The witness, a museum director, said no, it was the culture at large. And this is how he defined the culture at large: 'Museums, critics, curators, historians, galleries'," a vicious circle.

Mr. Speaker, we are going to revisit the NEA funding if today's vote prevails again and again and again until we get it right. This country's average, decent, hard-working American is entitled to some standards on the way we spend every nickel out of this Chamber and in the other great legislative body, the U.S. Senate.

The article referred to follows:

(By Ellen Goodman)

A WARNING FROM THE MAPPLETHORPE TRIAL

BOSTON.—There were times when the Mapplethorpe trial in Cincinnati produced testimony worthy of the title attached to the museum exhibit: "The Perfect Moment."

Perfect Moment No. 1: Prosecutor Frank Prouty holds up two photographs, one of a man with a bullwip in his rectum. He asks the art director who chose these images for the show: "Would you call these sexual acts?"

She answers: "I would call them figure studies"

Perfect Moment No. 2: Prouty questions museum director Dennis Barrie: "This photograph of a man with his finger inserted in his penis, what is the artistic content of that?"

He responds: "It's a striking photograph in terms of light and composition."

Perfect Moment No. 3: This one occurs when even the most devoted defender of free expression lifts her eyes from the page to offer her own art criticism to the great curator in the sky: "Aaaarggh!"

There was never any doubt in my mind that the trial over Robert Mapplethorpe's photographs would bring a "cultural clash" into the courtroom. Soho meets Cincinnati.

But at the trial, the testimony often sounded like a linguistic battle, a tale of two tongues: one side speaking art; one side speaking English. It sounded less like a case about obscenity than about class, elitism, artistic sensibilities and common sense.

Americans often divide like this when dealing with art. One group thinks that Andy Warhol's Brillo Box is brilliant, and the other thinks it's a scam. Each believes the other a pack of fools, though one may be called snobs and the other rubes. Guess which one is larger?

The divide is bad enough when the argument is about Brillo. But when it's about bodies, watch out.

The seven photographs at issue in this trial contain some grotesque subjects. In one of them a man urinates into another man's mouth. Show me somebody who can look at that photograph and think about the composition, the symmetry the classical arc of the liquid, and I'll show you someone with an advanced degree in fine arts. This was the sort of thing said in Cincinnati.

In the wake of this, it is remarkable that the verdict was not guilty. A jury without a single museum-goer, artist or student of "What is Art?" decided that the museum was protected turf in the legal quarrel over obscenity.

But the trial in Cincinnati, like the troubles at the National Endowment for the Arts, is partly the result of the art world's own chic insularity. The troubles come because the art community speaks its private language to a circle so small, so cozy and so closed as to be dangerously isolated.

Perfect Moment Number Four: The prosecution asked how art was determined—was it merely the whim of the museum?

The witness, a museum director, said no, it was the culture at large. And this is how he defined the culture at large: "museums, critics, curators, historians, galleries."

I agree with the decision and with those who defended the museum's right to show these photographs. To leave the dark side out of a Mapplethorpe show would be like leaving the tortured black paintings out of a retrospective of Goya's work. It wouldn't be legitimate to pick and choose the sunny side of the work—the Calla lilies and celebrities—and show it as the whole.

Indeed, as the director also said, Mapplethorpe set out to capture the line between the disgusting and the beautiful. There is room in life for the deliberately disturbing. The museum's room—a glass case in a separate gallery—was tame enough.

But even in the moment of victory, there is still a warning here. This trial, and the funding woes of the NEA, are not just the fault of Jesse Helms on the rampage. They are the fault as well of an art community whose members prefer to live in a rarefied climate, talking to each other, subject only to "peer review" and scornful of those who translate the word "art" into "smut."

In many cities, there is still the knock of the policeman at the door. Having failed to make its case in public, the art community ends up making it in court. In the history of art, this is not a perfect moment.

TRIBUTE TO GEN. CASIMIR PULASKI

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today marks the 211th anniversary of the death of the great military leader, Casimir Pulaski, who made the ultimate sacrifice for the cause for American independence.

Casimir Pulaski was born in the Province of Podolia in 1748 to an elite and distinguished aristocratic family in Poland. He dedicated over 30 years of his life to fight for the freedom of his country. He was not successful in preventing tyranny from consuming his beloved nation, and unfortunately, Poland was partitioned. Although Count Pulaski was forced into exile, his deep commitment to the ideals of freedom never diminished.

Count Pulaski declared his selfless reasons for joining the American colonies in their fight for independence, stating:

As an enthusiastic Zeal for the glorious cause which animated America, when I came over, and a contempt of death, first introduced me in your service.

I could not Submit to Stoop before the Sovereigns of Europe. So I came to hazard all the freedom of America, and desirous of passing the rest of my life in a Country truly free and before settling as a Citizen, to fight for liberty.

Benjamin Franklin recruited Count Pulaski in 1777, and he was given a letter of introduction to General George Washington. Arriving in the United States during the summer of that year, he distinguished himself at the Battle of Brandywine. Because of his meritorious efforts, the Continental Congress granted him a commission as a brigadier general and placed him in charge of a newly created American cavalry.

General Pulaski displayed great military ability in his task of organizing this independent corps, known as the Pulaski Legion, and his forces contributed greatly to several American military successes throughout 1778. In 1779, during several fierce encounters against the British in South Carolina, General Pulaski reinforced his reputation as a superior military commander. Sadly, however, on October 9, 1779, in a final act of bravery, General Pulaski was mortally wounded, while leading his famous cavalry legion in driving the British out of Savannah, GA. He died 2 days later.

General Pulaski neither lived to see victory achieved on the battlefield, nor did he live to see America win her fight for independence, yet his valiant efforts were instrumental in establishing this great country, and his actions are representative of the many outstanding contributions that Polish-Americans have made and continue to make to our Nation.

Mr. Speaker, General Pulaski made the supreme sacrifice in the timeless struggle for freedom, and his sacrifice represents the courage and determination of the Polish people to achieve and maintain freedom and self-determination.

On the 211th anniversary of General Pulaski's death, I am proud to join with Americans of Polish descent in the 11th Congressional District of Illinois, which I am honored to represent, and Polish-Americans all over this Nation in commemorating General Pulaski's inspiring acts of courage and his unwavering commitment to the cause of independence during our American Revolutionary War.

TRIBUTE TO THE LATE HON. SCOTT MATHESON

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, years ago I was the Speaker of the House in

the House of Representatives in the State of Utah. At that time the Governor of the State was the gentleman, Scott Matheson.

Scott was a Democrat, of the other political persuasion. I have known him for years. We grew up across the street from each other on Douglas Street. Despite our political party differences, our relationship was not partisan and we were always very good friends.

Sadly, Mr. Speaker, Gov. Scott Matheson passed away Sunday morning, October 7, 1990 at the age of 61.

Scott Matheson was a very popular Governor because he often placed the interests of the State and the people above party politics. He had a great sense of humor and an amicable public presence which put people at ease and put issues in perspective.

I think perhaps in my political association with Scott the thing I admired about him most was his ability to negotiate, to compromise, with leadership, and in that particular legislative body it was just the opposite of what we have here where we have a President who is a Republican and House and Senate controlled by the Democratic Party. In that instance we had a Governor who was a Democrat and we controlled both the house and the senate.

I always found him to be an amicable man to deal with and a man of intelligence, principle and foresight.

Later, as he decided after two terms that he would not run anymore, he stepped down. He was not forced out of office like many of us are. He elected at that point to go into a law firm and was a very, very successful lobbyist. Many times he was back here. The one thing I like about him as a lobbyist is when he will tell you both sides of the whole, explain it in detail to you, and who will leave no stone unturned.

When he was Governor of the State we passed the 1984 Wilderness Act. That was the Hansen-Garn bill. In the Widlerness Act we decided the only way we could possibly get it through is if the Members of the delegation and the Governor of the State would stand in lock step, no one wavering whatsoever in getting this piece of legislation through. Even though we were of different political persuasions, I was impressed with the way he worked so diligently and so hard to keep that working together.

Mr. Speaker, the State of Utah, America and all who knew Scott Matheson have suffered a great loss with the passing of this fine man and his untimely death that shocked so many of us. Utah has lost a great statesman and we have all lost a great friend.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HENRY (at the request of Mr. MICHEL), for today until 11:45 a.m., on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. PASHAYAN, for 60 minutes, on October 16.

Mr. BURTON of Indiana, for 60 minutes, on October 12.

Mr. DELAY, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

Mr. MAZZOLI, for 60 minutes, on October 15.

Mr. MCNULTY, for 60 minutes, each day, on October 22, 23, 24, and 25.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COLEMAN of Texas, on the Coleman-Williams amendment on H.R. 4825 in the Committee of the Whole today.

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. DORNAN of California.
Mr. MCEWEN.
Mr. SHAW.
Mr. DOUGLAS.
Mr. BAKER.
Mr. BROOMFIELD.
Mr. GUNDERSON.
Mr. SCHUETTE.
Mr. THOMAS of California.
Mr. LAGOMARSINO.
Mrs. VUCANOVICH.
Mr. SCHULZE.
Mr. HAMMERSCHMIDT in two instances.
Mr. BEREUTER.
Mrs. BENTLEY.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. CARDIN
Mr. NELSON of Florida in two instances.
Mr. NATCHER.
Mr. LANTOS.
Mr. WISE.
Mr. FASCELL in three instances.
Mr. MILLER of California.
Mr. TRAFICANT.
Mr. WEISS.
Mr. KILDEE.
Mr. ROYBAL.
Mr. FROST.
Mr. ACKERMAN in two instances.
Mr. SKELTON.
Mr. BATES.
Mr. TORRES.
Mr. RAHALL.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 602. Joint resolution designating October 1990 as "National Domestic Violence Awareness Month."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2017. An act to provide a permanent endowment for the Eisenhower Exchange Fellowship Program, and

S. 2680. An act to provide for the conveyance of lands to certain individuals in Stone County, Arkansas.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 10, 1990:

H.R. 4985. An act to designate the Federal building located at 51 Southwest 1st Avenue in Miami, Florida, as the "Claude Pepper Federal Building," and

H.R. 4593. An act to transfer to the Secretary of the Interior the administration of the surface rights in certain lands presently within the boundaries of the San Carlos Indian Reservation, Arizona, and managed by the Forest Service as part of the Coronado National Forest, and for other purposes.

ADJOURNMENT

Mr. HANSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p.m.) the House adjourned until tomorrow, Friday, October 12, 1990, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4023. A letter from the Under Secretary of Defense, transmitting three reports on the ultra high frequency [UHF] follow-on system, pursuant to 10 U.S.C. 2400(c); to the Committee on Armed Services.

4024. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of D.C. General Hospital's Procurement", pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

4025. A letter from the Inspector General, Department of Defense, transmitting a copy of the annual financial audit of the fiscal year 1989 Superfund; to the Committee on Energy and Commerce.

4026. A letter from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting the annual report on the financial condition of the Public Health Service Commissioned Corps retirement system for the year ending September 30, 1989, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4027. A letter from the Director, Office of Personnel Management, transmitting a copy of the civil service retirement and disability fund [CSRDF] annual report for fiscal year 1988, pursuant to 31 U.S.C. 9503, 5 U.S.C. 1308(a); jointly, to the Committees on Post Office and Civil Service and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1270. An act to provide an Indian mental health demonstration grant program; with an amendment (Rept. 101-847, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4728. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Klamath River in Oregon as a component of the National Wild and Scenic Rivers System; with amendments (Rept. 101-848). Referred to the Committee on the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 501. Resolution waiving all points of order against consideration of H.R. 5803, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes (Rept. 101-849). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 502. Resolution providing for the consideration of H.R. 3960, a bill to increase the amounts authorized to be appropriated for the Colorado River Storage Project and for other purposes (Rept. 101-850). Referred to the House Calendar.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 503. Resolution providing for the consideration of H.R. 4939, a bill regarding the extension of most favored-nation treatment to the products of the People's Republic of China, and for other purposes (Rept. 101-851). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 504. Resolution waiving all points of order against the conference report on S. 2104, a bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes (Rept. 101-852). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 505. Resolution waiving certain points of order during consideration of H.R. 5769, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes (Rept. 101-853). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. SMITH of New Jersey):

H.R. 5814. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by such act and to make technical amendments; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOLLOWAY (for himself, Mr. BAKER, Mrs. BOGGS, MR. HAYES of Louisiana, Mr. HUCKABY, Mr. MCCRERY, Mr. LIVINGSTON, Mr. TAUZIN, and Mr. LOWERY of California):

H.R. 5815. A bill to redesignate the Vacherie Post Office located at 2747 Highway 20 in Vacherie, LA, as the "John Richard Haydel Post Office"; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 5816. A bill to amend title 38, United States Code, to require the Department of Veterans Affairs to provide the same health benefits as are provided to former prisoners of war to veterans who while in active military, naval, or service evaded enemy capture while behind enemy lines; to the Committee on Veterans' Affairs.

By Mr. MCEWEN:

H.R. 5817. A bill to provide that taxpayers may rely on Internal Revenue Service guidelines in determining the funding limits for pension plans; jointly, to the Committees on Ways and Means and Education and Labor.

By Mrs. SAIKI:

H.R. 5818. A bill to eliminate the retroactive effect on Federal retirement benefits of the repeal of the 3-year basis recovery rule by the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. SMITH of Florida:

H.R. 5819. A bill to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant the jurisdiction of the courts of the United States in certain cases involving tortious conduct occurring in a foreign state; to the Committee on the Judiciary.

By Mr. TAUZIN:

H.R. 5820. A bill to reauthorize the Fish and Seafood Promotion Act of 1986; to the Committee on Merchant Marine and Fisheries.

By Mr. MCNULTY (for himself, Mr. GILMAN, Mr. SMITH of Florida, and Ms. ROS-LEHTINEN):

H. Con. Res. 383. Concurrent resolution expressing the sense of Congress that the President and the Secretary of State should personally intervene with the President and the Foreign Minister of the Soviet Union to secure permission for Anatoly Genis to leave the Soviet Union without further delay to be reunited with his family; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

542. By the SPEAKER: Memorial of the Legislature of the State of California, relative to community economic adjustment assistance; to the Committee on Armed Services.

543. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to municipal waste; to the Committee on Energy and Commerce. October 11, 1990.

544. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the use of coal; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of Sept. 26, 1990]

H.R. 5649: Mr. WALKER, Mr. LEWIS of Florida, Mr. MORRISON of Washington, Mr. PACKARD, Mr. SMITH of Texas, Mrs. MORELLA, Mr. ROHRABACHER, and Mr. RHODES.

[Submitted Oct. 11, 1990]

H.R. 286: Mr. GRANDY.
H.R. 1406: Mr. SMITH of New Hampshire.
H.R. 1530: Mr. YATRON.
H.R. 2380: Mr. DEWINE.
H.R. 2816: Mr. ROWLAND of Connecticut.
H.R. 3037: Mr. FORD of Michigan.
H.R. 3866: Mr. JOHNSON of South Dakota.
H.R. 3911: Mr. FRANK and Mr. STUDDS.
H.R. 3992: Mr. WEISS, Mr. WAXMAN, and Mr. COLEMAN of Texas.
H.R. 4258: Mr. DICKINSON.
H.R. 4492: Mr. DYMALLY.
H.R. 4493: Mr. KOSTMAYER.
H.R. 4514: Mr. ROSE.
H.R. 4565: Mr. DYSON.
H.R. 4583: Mr. SWIFT.
H.R. 4755: Mrs. MORELLA, Mr. ANNUNZIO, Mr. TAUKE, and Mr. DICKINSON.
H.R. 5094: Mr. SHUMWAY and Mr. STUMP.
H.R. 5103: Mr. BEREUTER, Mr. DWYER of New Jersey, and Mr. LEWIS of Georgia.
H.R. 5104: Mr. BEREUTER, Mr. DWYER of New Jersey, and Mr. LEWIS of Georgia.
H.R. 5105: Mr. BEREUTER, Mr. DWYER of New Jersey, and Mr. LEWIS of Georgia.
H.R. 5184: Mrs. VUCANOVICH, Mr. RUSSO, and Mr. BUSTAMANTE.
H.R. 5290: Mr. ROSE, Mr. SAXTON, Mr. RANGEL, and Mr. FROST.
H.R. 5332: Mrs. COLLINS, Mr. CONTE, Mr. SMITH of Florida, Mr. WILSON, Mr. MCDERMOTT, Mr. ROE, Mr. BOUCHER, Mr. STOKES, and Mr. VALENTINE.

H.R. 5336: Mr. ARMEY and Mr. LEWIS of Florida.

H.R. 5361: Mr. MRAZEK.

H.R. 5362: Mrs. JOHNSON of Connecticut.

H.R. 5416: Mr. HALL of Texas and Mr. SMITH of New Hampshire.

H.R. 5443: Mr. KENNEDY and Mr. WILLIAMS.

H.R. 5553: Mr. EMERSON.

H.R. 5568: Mr. MANTON, Mr. LANCASTER, Mr. THOMAS A. LUKEN, Mr. HUCKABY, Mr. HOCHBRUECKNER, Mr. BYRON, and Mr. LANTOS.

H.R. 5601: Mr. GILMAN and Mr. BUSTAMANTE.

H.R. 5603: Mr. SIKORSKI.

H.R. 5654: Mr. LAFALCE, Mr. SIKORSKI, Mr. GILMAN, and Mr. FORD of Michigan.

H.R. 5670: Mr. DEWINE, Mr. LAGOMARSINO, Mr. GLICKMAN, and Mr. OWENS of Utah.

H.R. 5735: Mr. LEWIS of California and Mr. DENNY SMITH.

H.J. Res. 125: Mr. THOMAS of Wyoming.

H.J. Res. 125: Mr. THOMAS of Wyoming.

H.J. Res. 201: Mr. RAVENEL.

H.J. Res. 492: Mr. HUGHES, Mr. ALEXANDER, Mr. BARTLETT, Mr. PICKLE, Mr. ANTHONY, Mr. DUNCAN, Mr. IRELAND, Mrs. SAIKI, Mr. HYDE, Mr. STALLINGS, Mrs. MARTIN of Illinois, Mr. POSHARD, Mr. NAGLE, Mr. HUTTO, Mr. MOAKLEY, Mr. DONNELLY, Mr. PURSELL, Mr. BEVILL, Mr. DORNAN of California, Mr. HUNTER, Mr. CARPER, Mr. TRAXLER, Mr. HATCHER, Mr. HERTEL, Mr. WALGREN, and Mr. ROWLAND of Georgia.

H.J. Res. 518: Mr. BENNETT, Mr. RUSSO, Mr. RAHALL, and Mr. SAWYER.

H.J. Res. 551: Mr. STARK, Mr. WAXMAN, and Mr. LEWIS of California.

H.J. Res. 583: Mr. WHITTEN, Mr. SIKORSKI, Mr. OBERSTAR, Mr. SMITH of New Jersey, Mr. KENNEDY, Mr. ASPIN, Mr. BAKER, Mr. BONIOR, Mr. CALLAHAN, Mr. BRUCE, Mr. KILDEE, Mr. CLARKE, Mr. CONTE, Mr. LANCASTER, Mr. DUNCAN, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FORD of Michigan, Mr. TALLON, and Mr. DICKS.

H.J. Res. 612: Mr. MOLLOHAN, Mr. ROBINSON, Mr. CARDIN, Mr. KOSTMAYER, Mr. ALEXANDER, Mr. HUTTO, and Mr. ERDREICH.

H.J. Res. 613: Mr. ENGLE, Mr. GEREN, Mr. NOWAK, Mr. GILLMOR, Mr. ORTIZ, Mr. GOSS, Ms. OAKAR, Ms. KAPTUR, Mr. WHEAT, Mr. RITTER, and Mr. CAMPBELL of Colorado.

H.J. Res. 628: Mr. GEJDENSON, Mr. GUARINI, Mr. MANTON, Mr. MAZZOLI, and Mr. TRAFICANT.

H.J. Res. 643: Mr. SHAW, Mr. TAUZIN, Mr. FROST, Mr. RAHALL, Mr. BARTLETT, Mr. HUGHES, Mr. COURTER, Mr. GALLO, Mr. LEWIS of Florida, Mr. ROE, Mr. SISISKY, Mrs. JOHNSON of Connecticut, Mr. SKEEN, Ms. KAPTUR, Mr. LIPINSKI, Mr. GILMAN, and Mr. GEKAS.

H.J. Res. 661: Mr. LEHMAN of Florida, Mr. MCNULTY, Mr. ROYBAL, Mr. CROCKETT, Mr. TRAFICANT, Mr. BILIRAKIS, Mr. WOLPE, Mr. CALLAHAN, Mr. MOAKLEY, Mr. PAYNE of Virginia, Mr. COURTER, Mr. ATKINS, Mr. MATSUI, Mr. GEJDENSON, Mr. CARR, Mr. FORD of Tennessee, Ms. KAPTUR, Mr. GRAY, Mr. DE LA GARZA, Mr. STUDDS, Mr. HUGHES, Mr. MILLER of California, Mr. BARTLETT, Mrs. BOXER, Mr. LEVINE of California, Mr. ESPY, Mr. GUARINI, Mr. UDALL, Mr. ROE, Mr. MCCLOSKEY, Mr. DIXON, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FRENZEL, Mr. FLIPPO, Mr. DICKS, Mr. MURPHY, Mr. TOWNS, Mr. HAYES of Illinois, Mr. MFUME, Mr. TALLON, Ms. PELOSI, Mr. MACHTLEY, Mr. MANTON, Mr. SOLARZ, Mr. SCHEUER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. MRAZEK, Mr. MARTINEZ, Mr. ERDREICH, Mr. JONTZ, Mr. PANETTA, Mr. FAUNTROY, Mr. SAVAGE, Mr. MCHUGH, Mr. MCDERMOTT, Ms. OAKAR, Mr. RANGEL, Mr. FISH, Mr. DOWNEY, Mr. DURBIN, Mr. BOSCO, Mr. BORSKI, Mr. DONNELLY, Mr. STOKES, Mr. CONTE, Mr. DYMALLY, Mr. KENNEDY, Mrs. COLLINS, Ms. MOLINARI, Mrs. LOWEY of New York, Mr. ACKERMAN, Mr. WAXMAN, Mr. ANDERSON, and Mr. SPRATT.

H. Con. Res. 355: Mr. NAGLE, Mrs. UNSOELD, and Mrs. BOXER.

H. Res. 474: Mr. DORGAN of North Dakota, Mr. UDALL, Mr. MACHTLEY, Mr. PALLONE, Mr. GUARINI, and Mr. FROST.